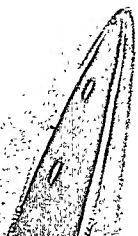

SCHOOL LAWS

AND OTHER

EDUCATIONAL MATTERS

IN

Assiniboia, Prince Edward Island, The North-west Territories and Manitoba

INCLUDING

THE JUDGMENT OF THE SUPREME COURT

RESPECTING THE APPEAL FROM THE MINORITY IN MANITOBA.

PRINTED BY ORDER OF PARLIAMENT.

a

OTTAWA
GOVERNMENT PRINTING BUREAU
1894

CONTENTS.

Sessional Paper No. 40a.

Sessional Paper No. 40b.

Sessional Paper No. 40c.

Sessional Paper No. 40d.

SUPPLEMENTARY RETURN

To an ADDRESS of the SENATE, dated the 3rd February, 1893, for :—

1. A copy of the deliberations, resolutions and ordinances of the former council of Assiniboia, relating to educational matters within its jurisdiction as it existed on the banks of the Red river before the creation of the province of Manitoba.
2. A statement of the amounts paid by the said council of Assiniboia for the maintenance of schools, showing the persons to whom such payments were made, the schools for which such amounts were paid and the religious denominations to which such schools belong.
3. A statement of the amounts paid by the Hudson's Bay Company, or by its agents, to the schools then existing in the territories forming to-day the province of Manitoba.
4. A copy of all memoranda and instructions serving as a basis for the negotiations as a result of which Manitoba became one of the provinces of the confederation; together with a copy of the minutes of the deliberations of the persons charged, on both parts, to settle the conditions of the creation of the province of Manitoba and of its entrance into confederation; and also a copy of all memoranda, returns and orders in council establishing such conditions of entrance, or serving as a basis for the preparation of "The Manitoba Act."
5. A copy of the despatches and instructions from the imperial government to the government of Canada on the subject of the entrance of the province of Manitoba into the confederation, comprising therein the recommendations of the imperial government concerning the rights and privileges of the population of the Territories, and the guarantees of protection to be accorded to the acquired rights to the property, to the customs and to the institutions of that population by the government of Canada, in the settlement of the difficulties which marked that period of the history of the Canadian west.

6. A copy of the acts passed by the legislature of Manitoba, relating to education in that province, and especially of the first act passed on this subject after the entrance of the said province of Manitoba into the confederation, and of the laws existing upon the same subject in the said province immediately before the passing of the acts of 1890, relating to the public schools and relating to the department of education.

7. A copy of all regulations with respect to schools passed by the government of Manitoba or by the advisory board, in virtue of the laws passed in 1890 by the legislature of Manitoba, relating to public schools and the department of education.

8. A copy of all correspondence, petitions, memoranda, resolutions, briefs, factums, judgments (as well of first instance as in all stages of appeal), relating to the school laws of the said province of Manitoba, since the 1st June, 1890, or to the claims of catholics on this subject; and also a copy of all reports to the privy council and of all orders in council relating to the same subject since the same date.

JOHN COSTIGAN,

Secretary of State.

EXTRACTS FROM MINUTES OF THE COUNCIL OF ASSINIBOIA.

MINUTES of a meeting of the Governor of Rupert's Land and the Governor and Council of Assiniboia, held at the Court House, on Wednesday the 16th day of October, 1850.

Present:

Eden Colville, Esq., Governor of Rupert's Land, President.
Major Caldwell, Governor of Assiniboia.
Adam Thom, Esq., Councillor of Assiniboia.
Right Reverend the Lord Bishop of Rupert's Land, Assiniboia.
" " " North-west "
The Reverend Wm. Cochran, Assiniboia.
" J. Smithurst "
" Ls. Lafléche "
Alexander Ross, Esq., Assiniboia.
Dr. Bunn, Assiniboia.
Andrew McDermot, Esq., Assiniboia.

Adam Thom, Esq., motion for taking into consideration the propriety of granting public money for education.

COUNCIL CHAMBER, Thursday the 1st May, 1851.

Mr. Cochran moved and M. Lafléche seconded this resolution:

To weaken the mischievous and destructive energy of those violent and untamed qualities of human nature, which so frequently manifest themselves in society, in a half civilized state, and to strengthen the feelings of honourable independence, to encourage habits of industry, sobriety and economy, it is moved—That £100 be granted from the public fund to be divided equally between the bishop of Ruperts' Land and the bishop of North-west to be applied by them at their discretion for the purposes of education.

Carried unanimously.

* * * * *

W. B. CALDWELL, Gov. of Assiniboia.
DAVID, Rupert's Land,
†J. N., BISHOP of North-west,
JOHN BUNN,
LOUIS LAFLÉCHE, P.M.,
CUTHBERT GRANT,
J. BLACK.

COUNCIL CHAMBER, 27th November, 1851.

* * * * *

In conclusion, we subjoin our draft of the revised code of municipal regulations, the whole, of course, respectfully submitted.

* * * * *

CUSTOMS DUTIES.

23. Everything which may enter the settlement which, after entering the country, to the address of any settler, may be diverted from its proper destination, shall pay 4 per cent on the prime cost, excepting:

* * * * *

V. Books, maps, plates, prints, philosophical apparatus, &c.

* * * * *

A petition was read from the trustees of the presbyterian church of Frog Plain, for a grant for education. Referred to next meeting.

To the Governor and Council of Assiniboia.

The petition of the trustees of the presbyterian church of Frog Plain humbly showeth:

That a school has existed, for two years, on the glebe of the said church; that said school, as not being under the patronage of the bishop of Rupert's Land, does not appear to have been contemplated in the grant of fifty pounds which you gave to his lordship in April last for the purposes of education; that during the latter part of the interval, the said school has been placed under the auspices of a duly ordained minister; that in reliance on his active and enlightendened superintendence, your petitioners and those whom they represent, hope to see the said school raised, in some measure, to the level of the parochial schools of Scotland.

That, as the improvement of education seems to be more requisite, at least among the protestants of the settlement, than its mere extension; your petitioners pray, that their minister may receive from the public fund a sum proportioned to the fifty pounds, as aforesaid granted to the church of England, without prejudice, however, to the recognized equality in the premises between the protestants as a whole and the Roman catholics.

And your petitioners shall ever pray.

Red River Settlement, 26th November, 1851. } A. ROSS, JOHN FRASER, and the other trustees of the presbyterian community.

Dr. Bunn moved, and M. Lafléche seconded this resolution:

That fifteen pounds be granted to the Rev. John Black, of Frog Plain, for the purposes of education in accordance with the petition of the committee of his congregation.

Carried unanimously.

M. Lafléche gave notice, that, at next meeting, he will move for an additional grant to the bishop of St. Boniface of fifteen pounds for education in consideration of the additional fifteen pounds now granted for the education of the English population.

W. B. CALDWELL.

* * * * *

COUNCIL CHAMBER, 9th December, 1852.

M. Lafléche moved, and Dr. Bunn seconded,

That fifteen pounds be granted to the bishop of St. Boniface for the purposes of education.

For.	Against.
BISHOP OF ST. BONIFACE,	BISHOP OF RUPERT'S LAND,
MR. LAFLÉCHE,	MR. BIRD,
MR. GRANT,	MR. COCHRAN.
DR. BUNN.	

Carried.

EXTRACTS FROM REPORT OF THE SUPERINTENDENT OF EDUCATION FOR THE PROTESTANT SCHOOLS OF MANITOBA, FOT THE YEAR ENDING 31ST JANUARY, 1886.

EDUCATION OFFICES,

WINNIPEG, 31ST APRIL, 1886.

TO THE HONOURABLE D. H. WILSON, M.P.P.,

PROVINCIAL SECRETARY.

SIR,—I have the honour to transmit herewith my report for the year ending 31st January, 1886, of the protestant schools of the province, for the information of his honour the lieutenant-governor.

I have the honour to be, sir,
Your obedient servant,

J. B. SOMERSET,
Superintendent of Education.

* * * * * *

To the intending emigrant from these countries, if our province is able to offer facilities for the efficient education of his children as soon as he arrives, it affords relief from one of his principal sources of anxiety and reconciles him to the temporary deprivation of many other social and material conveniences while establishing a home in a new country.

The history of the educational system of this province, since its establishment in 1871 to the present, affords very satisfactory evidence of the fulfilment of those conditions of usefulness and adaptability to the wants of the people, and justifies us in regarding its operations in the past with satisfaction, and warrants our confident expectation of its future success in maintaining the high standard of intelligence that is acknowledged at present to exist among all classes of our population.

* * * * * *

By the provisions of the Manitoba School Act, the educational interests of the province are placed under the direction and control of the board of education, a body appointed by the lieutenant-governor in council, and consisting of two sections, the protestant, composed of twelve, and the catholic, of nine members. Each section has exclusive control of the schools of its own denomination, the number under the direction of the protestant section of the board, at the close of the school year now reported, being, 426 and the number under the direction of the catholic section 53.

It is gratifying to all lovers of good citizenship as well as of educational progress to note that, from the organization of this system of management in 1871, at which period the protestant schools numbered 16 and the catholic 17, to the present there has been an almost entire absence of the friction and disagreement that have marked the progress of education in some of the sister provinces.

Normal School Act.

An Act to establish Normal School Departments in connection with Public Schools, assented to 30th May, 1882.

The Legislative Assembly of Manitoba enacts as follows:

1. The protestant and catholic section of the board of education are hereby respectively empowered:

(*a.*) To establish in connection with the protestant public schools of the city of Winnipeg and with the Roman catholic public schools of St. Boniface, normal school departments, with the view to the instruction and training of teachers of public schools in the science of education and the art of teaching.

(*b.*) To make, from time to time, rules and regulations necessary for the management and government of the said departments.

(*c.*) To arrange with the trustees of such public schools all things which may be expedient to promote the objects and interests of the said normal school departments.

(*d.*) To prescribe the terms and conditions on which students and pupils will be respectively received and instructed in the said departments.

(*e.*) To determine the number and compensation of teachers, and of all others who may be employed in said departments.

(*f.*) To apply out of the amount apportioned to each section respectively from the grant annually voted by the legislative assembly, a sum not to exceed three thousand dollars for the maintenance of the said normal school departments.

THE COURSE OF STUDY PURSUED IN THE PROTESTANT SCHOOLS.

RELIGIOUS TEACHING.

The development of the moral nature is a primary requisite in any system of education. The board, recognizing this principle, has provided for the most careful inquiry into the character of its teachers and for such systematic religious instruction in its schools as may be given with the object of teaching the principles of Christian truth contained in the bible, and accepted by all the protestant denominations.

The necessity for greater attention to this training in the public schools is forcibly stated in an article in the April number of the *Century Magazine* by Washington Gladden, in a plea for the introduction of Christian teaching into the schools of the United States, from which the following is an extract:—

"This, then, is the first admonition that an intelligent Christianity must leave with those who direct the policy of our schools. You have been building on a foundation too narrow; you must enlarge your basis; you must learn that character is the principal thing, and that character is the result of a harmonious development of all the powers—of the eye and the hand and the practical judgment and the will, as well as of the memory and the logical faculty; and you must not forget that industrial training affords a discipline almost indispensable to the right development of character.

"But if the Christianity, whose chief concern is righteousness, has a right to reprove our state educators for having omitted to furnish this indirect but most

effective method of moral discipline, much more has it the right to rebuke them for their gross neglect to provide direct and systematic methods of moral education. The failure to awaken and develop the moral nature of the pupils in our schools is notorious and disastrous. Moral training has become altogether secondary; the attempt to secure it is but feebly and uncertainly made.

"The neglect to provide this kind of teaching is sheer fatuity; every citizen who is a Christian, and who believes that righteousness is the principal thing, is bound to cry out against it, and to demand unceasingly that this great defect in our systems of popular education be remedied without delay.

"The systematic and intelligent teaching of morals in the public schools would undoubtedly accomplish much good. Nevertheless the fact must not be overlooked that of this kind, to be most effective, must be vitalized by a genuine religious faith. Religion is the inspiration of all highest morality. And while (dogmatic) religion cannot be taught in the public schools, those teachers who possess this faith may, without any dogmatic instruction, impart it to their pupils. 'It is for the teachers,' says Mr. W. T. Harris, 'not to claim to introduce formal religious ceremonies, but to make all their teaching glow with a genuine faith, hope and charity, so that pupils will catch from them their view of the world as the only view that satisfies the heart and the intellect and the will.'"

BILL OF RIGHTS.

Exhibit "N."

A true copy.

DANIEL CAREY,
Clerk of the Crown and Peace.

(*Translation.*)

(1.)

That the territories heretofore known as Rupert's Land and the North-west will not enter the confederation of the dominion of Canada otherwise than in the form of a province, and known as the province of Assiniboia, and in the enjoyment of all rights and privileges common to the several provinces of the Dominion.

(2.)

That until the time when the increase of the population of this country shall have entitled us to more, we shall have two representatives in the senate and four in the commons of Canada.

(3.)

That, on entering into confederation, the province of Assiniboia shall be completely exempt from the public debt of Canada, and that should the province be called upon to assume any part of that debt of Canada, it shall not be until after having received from Canada the precise sum for which it is sought to render the province responsible.

(4.)

That the annual sum of eighty thousand dollars be allowed by the dominion of Canada to the legislature of the province of the North-west.

(5.)

That all properties, all rights and privileges possessed, be respected, and the establishing and settlement of the customs, usages and privileges be left to the sole decision of the local legislature.

(6.)

That this country be not subjected to any direct tax except such as may be imposed by the local legislature for municipal or local purposes.

(7.)

That the schools shall be separate, and that the moneys for schools shall be divided between the several denominations *pro rata* of their respective populations.

(8.)

That in this country, except Indians, who are neither civilized nor settled, every man having attained the age of twenty-one years and every British subject not a native of this province, but having resided three years in this country, shall be entitled to vote at elections of members of the local legislature and of the parliament of Canada, and that any foreign subject other than a British subject, having resided for the time aforesaid, and holding the property of a house, shall have the same right to vote, provided he takes the oath of allegiance.

It is understood that this article is only subject to amendment by the local legislature exclusively.

(10.)

That the agreement of the Hudson's Bay Company respecting the transfer of the government of this country to the dominion of Canada shall be considered as null, inasmuch as it is contrary to the rights of the people of Assiniboia and may affect our future relations with Canada.

(11.)

That the local legislature of this province shall have full control over all the lands of the province and shall have the right to cancel all arrangements made or commenced with reference to the public lands of Rupert's Land and the North-west, now called the province of Assiniboia (Manitoba).

(12.)

That a commission of surveyors be appointed by Canada to explore the lands of the North-west, and to submit to the legislature within a period of five years a report on the mineral wealth of the country.

(13.)

That treaties be concluded between Canada and the several Indian tribes of the country, on the requisition and with the concurrence of the local legislature.

(14.)

That continuous communication by steam be guaranteed from lake Superior to Fort Garry, to be completed within the period of five years.

(15.)

That all buildings and public edifices shall be a charge on the Canadian treasury, as well as all bridges, roads and other public works.

(16.)

That the French and English languages shall be common in the legislature and the courts, and that all public documents, as well as the acts of the legislature, shall be published in the two languages.

(17.)

(*Reasons in English.*)

That the lieutenant-governor to be appointed for the North-west shall be master of both languages—French and English.

(18.)

That the judge of the supreme court shall speak French and English.

(19.)

That the debts contracted by the provisional government of the North-west be paid by the Dominion treasury, in view of the fact that the said debts were con-

tracted solely in consequence of the illegal and inconsiderate steps taken by the Canadian agents to create civil war in our midst. Moreover, that no member of the provisional government, nor any of those who acted under its orders, shall be held to account in relation to the movement which lead to these present negotiations.

(20.)

That in view of the exceptional position of Assiniboia, the duties on merchandise, except liquor, imported into the province, shall remain the same as at present, until the expiration of three years from our entering confederation and so long thereafter as means of communication by railway shall not have been completed between St. Paul and Winnipeg and lake Superior.

PROGRAMME OF STUDIES FOR THE PROTESTANT PUBLIC SCHOOLS OF MANITOBA.

REVISED, MAY, 1889.

This programme is authorized by the protestant section of the board of education for use in schools in which fewer than five teachers are employed. The course of study is not intended as a fixed standard which all schools and classes are forced to follow Classes are not of uniform capacity, neither are all teachers equally skilled. But it is prescribed for use by teachers as a uniform basis in classifying and making promotions in their schools, and it is to be followed with such modifications as circumstances may require—all such modifications, however, to be made only with the advice and consent of the inspector.

Any school in which an intermediate department has been established, and any school at which there are pupils able to advance beyond standard IV of this programme, shall be guided in its further classification by the programme of studies for fully graded schools.

It shall be the duty of every teacher to make out a time table for his school, and post it up with a copy of this programme in the school-room. The time table shall be presented to the inspector at each visit for his approval and signature.

The work prescribed for each standard in this programme shall include systematic and thorough review of the work of previous standards.

STANDARD I.

READING.—Authorized first readers.

SPELLING.—Part I, copying words; part II, copying words; dictation, written and oral.

COMPOSITION.—New words in reading lesssons used in original sentences—orally in part I, orally and in writing in part II; oral and written description of observed objects, animals, plants and pictures; narration of personal experiences; reproduction of stories; reproduction of the substance of the reading lessons.

ARITHMETIC.—Part I, Numbers 1 to 12, their combinations and separations; use and meaning of one-half, one-third, to one-twelfth; simple problems; the making and use of figures and arithmetical signs.

Part II.—Numbers 12 to 50; use and meaning of one-twelfth, to one-fiftieth; relation of halves, fourths, eighths; use and relation of inch, foot, yard; pint, quart, gallon, peck, bushel; day, week; month, year; simple problems.

WRITING.—On slates.

GEOGRAPHY.—Observed phenomena—clouds, rain, etc.; prominent natural features in the neighbourhood; cardinal and semi-cardinal points of the compass; distance.

STANDARD II.

READING.—Authorized second readers.

SPELLING.—From the reading lessons.

COMPOSITION.—Oral and written description of observed objects, plants, animals and pictures; narration of personal experience; reproduction of the substance of the reading lessons and of short stories; simple letter writing.

ARITHMETIC.—Numbers 50 to 100, as in part II; notation and numeration to 1,000; addition subtraction, multiplication and division to 1,000; relation of thirds, sixths, twelfths, thirds and ninths; use and relation of ounce, pound, bushel; square inch, square foot, square yard; Roman notation to C; problems.

WRITING.—Authorized copy books, numbers 1 and 2.

GEOGRAPHY.—Natural phenomena; geography of the neighbourhood; the earth as a whole.

STANDARD III.

READING.—Authorized third readers.

SPELLING.—From the reading lessons; from the practical speller—part I, lessons 1 to 50, part III, lessons 1 to 12.

COMPOSITION.—Oral and written description of common plants, domestic animals, acts, pictures; letter writing; reproduction of the substance of the reading lessons and historical tales; accounts and receipts.

GRAMMAR.—The simple sentence; kinds of sentences—declarative, etc.; subject and predicate.

ARITHMETIC.—Notation and numeration; simple rules completed; two-step questions in reasoning; vulgar fractions, oral and written to 1-1000; reduction; bills.

WRITING.—Authorized copy-book, number 3.

GEOGRAPHY.—North America, Manitoba; atmospheric phenomena.

HISTORY.—Historical tales; the municipal system; the government of the province.

STANDARD IV.

READING.—Authorized fourth readers and the literature prescribed for third-class teachers' certificates.

SPELLING.—From the reading lessons; the practical speller.

COMPOSITION.—Oral and written description of plants, animals, acts, pictures; letter writing; reproduction of the substance of the reading and history lessons; cheques, notes, drafts.

GRAMMAR.—Function and definition of parts of speech, phrases, clauses; analysis and synthesis of complex and compound sentences; simple parsing.

ARITHMETIC.—Vulgar and decimal fractions, completed; applications of square and cubic measures; percentage, simple interest; two and three-step questions in reasoning.

BOOK-KEEPING.—Single entry.

WRITING.—Authorized copy book, number 6, etc.

GEOGRAPHY.—Canada, United States, Europe, British Empire.

HISTORY.—Outline of British history, Brunswick period in detail; outline of Canadian history.

FOR THE WHOLE SCHOOL:

HYGIENE.—Lessons on cleanliness, proper clothing, pure air, good water, exercise, rest, avoidance of draughts, wholesome food, temperate habits—with special reference to use of alcohol and tobacco, bathing, accidents, poisons, disinfectants, digestion, circulation, respiration.

Practical effect should be given to the instruction in this subject by attention to the physical condition and habits of the children, the ventilation, lighting, heating and cleaning of the school-room and the supervision and direction of the sports and exercises of the pupils, by the teacher.

MORALS.—(*a*) Duties to self;—self-culture, self-respect, self-control; purity in thought, word and deed; industry, economy; truthfulness, courage, etc. (*b*) Duties to others;—Courtesy, including all forms of politeness in school-room, home, society,

public meeting, school ground, street; respect for parents, teachers, benefactors and those in authority. (*c*) Duties to the state;—Civil duties, including respect for law as the means by which the innocent are protected and the guilty punished; tax paying, patriotism, support of government, etc.; political duties—voting, public office a sacred trust. (*d*) Duties to animals;—As beasts of burden, as food, as sport.

To establish the habit of right-doing, instruction in moral principles must be accompanied by training in moral practices. The teacher's influence and example, current incidents, stories, memory gems, sentiments in the school lessons, examination of motives that prompt to action, didactic talks, daily reading of scripture selections with prayer, learning of the ten commandments, etc., are means to be employed.

PROGRAMME OF STUDIES FOR THE PUBLIC SCHOOLS OF MANITOBA.

ADOPTED SEPTEMBER 1ST, 1891.

This programme is authorized by the advisory board for use in rural schools and intermediate departments in which fewer than five teachers are employed. The course of study is not intended as a fixed standard which all schools and classes are forced to follow. It is prescribed for use by teachers as a guide in classifying and making promotions in their schools, and it is to be followed with such modifications as circumstances may require—all such modifications, however, to be made only with the advice and consent of the inspector.

It shall be the duty of every teacher to make out a time table for his school, and to post it up with copy of this programme in the school-room. The time table shall be presented to the inspector at each visit for his approval and signature.

The work prescribed for each standard in this programme shall include systematic and thorough review of the work of previous standards.

STANDARD I.

READING.—Authorized first reader.

SPELLING.—Part I, copying words; part II, copying words; dictation, written and oral.

COMPOSITION.—New words in reading lessons used in original sentences—orally in part I; orally and in writing in part II; oral and written description of observed objects, animals, plants and pictures; narration of personal experiences; reproduction of stories; reproduction of the substance of the reading lessons.

ARITHMETIC.—Part I.—Numbers 1 to 12—their combinations and separations; use and meaning of one-half, one-third, to one-twelfth; simple problems; the making and use of figures and arithmetical signs.

Part II.—12 to 50; use and meaning of one-twelfth, to one-fiftieth; relation of halves, fourths, eighths; use and relation of inch, foot, yard; pint, quart, gallon, peck, bushel; day, week, month, year; simple problems.

WRITING.—On slates.

GEOGRAPHY.—Observed phenomena—clouds, rain, etc.; prominent natural features in the neighbourhood; cardinal and semi-cardinal points of the compass; distance.

STANDARD II.

READING.—Authorized second reader.

SPELLING.—From the reading lessons.

COMPOSITION.—Oral and written description of observed objects, plants, animals and pictures; narration of personal experience; reproduction of the substance of the reading lessons and of short stories; simple letter writing.

ARITHMETIC.—Numbers 50 to 100, as in part II; notation and numeration to 10,000; addition, subtraction, multiplication and division to 1000; relation of thirds, sixths, twelfths, thirds and ninths; use and relation of ounce, pound, bushel; square inch, square foot, square yard; Roman notation to C; problems.

WRITING.—Authorized copy books, and practice book.

GEOGRAPHY.—Natural phenomena; geography of the neighborhood; the earth as a whole.

STANDARD III.

READING.—Authorized third reader.

SPELLING.—From the reading lessons.

COMPOSITION.—Oral and written description of common plants, domestic animals, acts, pictures; letter writing; reproduction of the substance of the reading lessons and historical tales; accounts and receipts.

ARITHMETIC.—Notation and numeration; simple rules completed; two and and three-step questions in reasoning; vulgar fractions oral and written to 1-1000; reduction; bills.

WRITING.—Authorized copy book and practice book.

GEOGRAPHY.—North America, Canada in outline, Manitoba; atmospheric phenomena.

HISTORY.—Historical tales; the municipal system; the government of the province.

STANDARD IV.

READING.—Authorized fourth reader and the literature prescribed for third-class teachers.

SPELLING.—From the reading lessons.

COMPOSITION.—Oral and written description of plants, animals, acts, pictures; letter writing; reproduction of the substance of the reading and history lessons; cheques; business correspondence.

GRAMMAR.—Tweed's Grammar for Common Schools parts I to V inclusive.

ARTIHEMTIC.—Vulgar and decimal fractions, completed; applications of square and cubic measures; percentage, simple interest.

WRITING.—Authorized copy book and practice book.

BOOK-KEEPING.—Single entry.

GEOGRAPHY.—Canada in detail, United States, Europe, British Empire.

HISTORY.—Outline of British history, Brunswick period in detail; outline of Canadian history.

FOR THE WHOLE SCHOOL:

HYGIENE.—Lessons on cleanliness, proper clothing, pure air, good water, exercise, rest, avoidance of draughts, wholesome food, temperate habits—with special reference to use of alcohol and tobacco, bathing, accidents, poisons, disinfectants, digestion, circulation, respiration.

Practical effect should be given to the instruction in this subject by attention to the physical condition and habits of the children, the ventilation, lighting, heating and cleaning of the school-room, and the supervision and direction of the sports and exercises of the pupils, by the teacher.

TEXT BOOK.—Child's Health Primer (Pathfinder No. 1).

MORALS.—(*a*) Duties to self:—Self-culture, self-respect, self-control; purity in thought, word and deed; industry, economy; truthfulness, courage, etc.

(*b*) Duties to others:—Courtesy, including all forms of politeness in school-room, home, society, public meetings, school ground, street; respect for parents, teachers, benefactors and those in authority.

(*c*) Duties to the state:—Civil duties, including respect for law as the means by which the innocent are protected and the guilty punished; tax paying, patriotism, support of government, etc.; political duties—voting, public office a sacred trust.

(*d*) Duties to animals:—As beasts of burden, as food, as sport.

To establish the habit of right doing, instruction in moral principles must be accompanied by training in moral practices. The teacher's influence and example, current incidents, stories, memory gems, sentiments in the school lessons, examination of motives that prompt to action, didactic talks, teaching the ten commandments, etc., are means to be employed.

STANDARD V. AND INTERMEDIATE DEPARTMENT.

The programme for the fifth standard and the intermediate department embrace the following subjects: Reading and orthoepy, spelling, English grammar, composition and prose, literature, poetical literature, history, geography, arithemtic, algebra, physics, physiology, book-keeping and writing.

PROGRAMME OF STUDIES AUTHORIZED FOR PUBLIC SCHOOLS IN CITIES AND TOWNS BY THE ADVISORY BOARD.

1st September, 1892.

GRADE I.

Reading.—First reader, part I. Authorized supplementary reading.

Composition.—Ready and correct use of simple sentences in familiar conversation suggested by objects, pictures, etc.

Writing.—On slates.

Arithmetic.—Numbers 1 to 10; their combinations and separations, oral and written; the signs +, —, ×, ÷. Count to ten by ones, twos, threes, etc. Use and meaning of one-half, one-third, one-tenth. Making and showing one-half, one-fourth, one-eighth, one-third, one-sixth, one-ninth, one-fifth, one-tenth, one-seventh (no figures.) Simple problems—oral.

Observation Lessons.—*Colour :*—Train to distinguish common colours. *Form :*—Sphere, cylinder, cube, triangular prism; circle, square, oblong, triangle; surfaces, lines, angles. Position and place, distance, size, duration, etc. *Qualities :*—Prominent qualities of objects. Simple study of familiar plants.

Spelling.—Copying words.

Music.—Singing of rote-songs; drill on the scale and intervals as found in exercises, 1, 2, 3, 4, on second page, first series of charts, normal music course. (The four exercises are also printed on four cards, one on each card.)

GRADE II.

Reading.—First reader, part II. Authorized supplementary reading. Phonic analysis. Exercises in articulation and pronunciation. Reading at sight from books used in grade I. Reading stories and poetical selections from blackboard. Appropriate selections of poetry memorized and recited.

Composition.—The substance of the reading lesson, and of short stories told or read to pupils, to be reproduced by them orally. Oral expression in complete sentences of simple thoughts suggested by pictures, observation lessons, etc.

Writing.—On slates.

Arithmetic.—Numbers 10 to 25, their combinations and separations, oral and written. Count to 25 by ones, twos, threes, etc. Use and meaning of one-half, one-third, one-fourth, etc., to one-twenty-fifth (no figures.) Relation of halves, fourths, eighths, thirds, sixths, twelfths, thirds, ninths (no figures.) Simple problems introducing gallons in peck, pecks in bushel, months in year, inches in foot, pound, current coins up to 25c. Addition in columns, no total to exceed 25.

Observation Lessons.—*Colour :*—Hues, tints, shades of colour (as scarlet, crimson, pink, red) distinguished and arranged. *Form :*—Cone and pyramid, ellipse and oval; kinds of lines and angles; circumference, centre, diameter, radius. *Qualities :*—Prominent qualities of objects (continued) as elasticity, porosity, fragrance, etc. Simple study of familiar plants and animals.

Spelling.—From readers—such words from each lesson as pupils can learn while mastering reading matter.

Music.—Singing of rote-songs. Review. Drill in intervals. Easy exercises from the chart in each of the nine keys.

GRADE III.

READING.—Second reader. Authorized supplementary reading. Phonic analysis. Exercises in articulation and pronounciation. Appropriate selections of poetry memorzied and recited.

COMPOSITION.—Brief oral expression in complete sentences of thoughts suggested by pictures, observation lessons, etc. Narrative of occurrences within pupil's experience. Written exercises on the foregoing after oral work has been carefully done. Oral and written reproduction of the substance of the reading lesson. Use of terminal marks.

WRITING.—Copy book 3. Careful attention to penmanship in all written exercises.

ARITHMETIC.—Numbers 25 to 100—Their combinations and separations, oral and written. Count to 100 by ones, twos, threes, etc., to tens. Use and meaning of one twenty-sixth, one twenty-seventh, etc., to one one-hundreth (no figures.) Addition, subtraction, division and partition of fractions of grade II. Roman numerals I to C. Simple problems introducing seconds in minute, minutes in hour, hours in day; pounds in bushel; sheets in quire, quires in ream.

OBSERVATION LESSONS.—*Colour:*—Prismatic colours; harmony and contrast of colours. *Form:*—Quadrilaterals and triangles; previous work reviewed. *Qualities:*—Transparency, opacity, etc.; solid, liquid, gas. Simple study of familiar plants and animals—(continued.)

SPELLING.—From reader—words to be arranged, so far as possible, in groups according to similarity in form and sound. Careful attention to spelling of all work used as written exercises.

MUSIC.—Complete work found in the first series of charts, and sing easy exercises in all keys from part I, first reader—normal music course.

GEOGRAPHY.—Development of geographical notions by reference to geographical features of neighbourhood. Elementary lessons on direction, distance, extent.

GRADE IV.

READING.—Third reader. Authorized supplementary reading. Continuation of exercises of previous grades. Exercises to secure projection of tone. Memorizing of poetical selections.

COMPOSITION.—Oral and written exercises in the use of language as an expression of thought. Arrangement of sentences in paragraphs. Special attention to be given to correct forms of speech. *Materials*—Observation lessons, reading lessons, pictures, historical tales; stories for reproduction; letter writing; "action lessons."

WRITING.—Copy book 4. Careful attention to penmanship in all written exercises.

ARITHMETIC.—Numeration and notation to 10,000. Simple rules to 10,000. Addition, subtraction, division and partition of fractions already known (figures.) Introduce terms numerator, denominator, etc. Roman notation to 2,000. Graded problems introducing remaining reduction tables. Daily practice in simple rules to secure accuracy and rapidity.

SPELLING.—From reading matter. Exercise as in grade III.

MUSIC.—Complete the work found in part I, first reader, and read all music in parts II and III, first reader.

GEOGRAPHY.—(*a.*) Review of work of grade III. Lessons to lead to simple conception of the earth as a great ball with surface of land and water, surrounded by the air, lighted by the sun, and with two motions. (*b.*) Lessons on natural features, first from observation, afterwards by aid of moulding board, pictures and blackboard illustrations. (*c.*) Preparation for and introduction of maps. (Review of lessons in position, distance, direction, with representations drawn to scale.) Study of map of vicinity drawn on blackboard. Maps of natural features drawn from moulded forms. Practice in reading conventional map symbols on outline maps. (*d.*) General study from globe and maps. The hemisphere, continents, oceans and large islands, their relative positions and size. The continents, position, climate, form, outline, surroun-

dings, principal mountains, rivers, lakes, the most important countries, productions, people, interesting facts and associations.

ELEMENTARY SCIENCE.—*Plants:*—Growth of seedlings observed and compared (beans, peas, corn, maple, morning-glory, etc.); fruit, seeds, roots observed and compared. *Nature:*—The air, winds, directions, effects; moisture, rain, snow, fog, dew, frost, etc. *Animals:*—Simple study of common animals.

GRADE V.

READING.—Fourth reader. Authorized supplementary reading. Continuation of exercises of previous grades in pronunciation, etc. Memorizing of poetical selections.

COMPOSITION.—Oral and written exercises. The work of grade IV continued. Special attention to be given to correct forms of speech. Letter writing. Oral and written reproduction in orderly arrangement of the thoughts of substance of lessons in reading and geography, and on plants and animals.

WRITING.—Copy book 5. Exercises. Careful attention to penmanship in all written exercises.

ARITHMETIC.—Notation and numeration completed. Formal reduction. Vulgar fractions to thirtieths. Denominate fractions. Daily practice to secure accuracy and rapidity in simple rules. Graded problems. Reading and writing decimals to thousandths, inclusive.

SPELLING.—From reading matter. Exercises as in grades III and IV.

MUSIC.—Review the most difficult songs and exercises in part II, first reader, giving special attention to two-part songs and exercises, so that each pupil may be able to sing either a soprana or an alto part. Begin work laid down in the second series of charts, and second reader, part II.

GEOGRAPHY.—Simple study of the important countries in each continent. Manitoba and Canada to be studied first. The position of the country in the continent; its natural features, climate, productions; its people, their occupations, manners, customs, noted localities, cities, etc. Moulding boards and map-drawing to be aids in the study.

PHYSIOLOGY.—Child's Health Primer (Pathfinder no. 1.)

ELEMENTARY SCIENCE.—*Plants:*—Wrapping and unfolding of buds observed and compared; growth from buds, branches, bulbs and slips; simple study of a few common flowers, violet, anemone, dandelion, etc. *Nature:*—Sun, moon and stars, their rising and setting; draining of vicinity; soils. *Animals:*—Continuation of simple study of common animals.

GRADE VI.

READING.—Evangeline. Riverside literature series no. 1. (Houghton, Mifflin & Co.) Biographical Stories, Hawthorne. Riverside literature series no. 10. (Houghton, Mifflin & Co.) Sharp Eyes and other papers. Riverside literature series no. 36. (Houghton, Mifflin & Co.)

COMPOSITION.—Oral and written exercises in the use of language as an expression of thought. Special attention to be given to correct forms of speech. *Materials*—reading, geography and history lessons. Oral and written expression of results of simple experiments in elementary science performed by pupils, or by the teacher in their presence. Care to be taken to secure orderly arrangement of thought.

WRITING.—Copy book 6. Exercises. Careful attention to penmanship in all written exercises.

ARITHMETIC.—Factors, measures and multiples. Vulgar fractions completed. Easy application of decimals to ten thousandths. Easy application of square and cubic measures. Daily practice to secure accuracy and rapidity in simple rules. Easy application of percentage. Graded problems.

SPELLING.—As in previous grades. Principles of English spelling.

MUSIC.—Complete the work found in second series of charts and part II of second reader.

GEOGRAPHY.—The earth as a globe. Simple illustrations and statements with reference to form, size; meridians, and parallels, with their use; motions and their

effects, as day and night, seasons; zones with their characteristics as winds, and ocean currents; climate as affecting the life of man. (*b*) Physical features and conditions of North America, South America and Europe, studied and compared. Position on the globe, position relative to other grand divisions, size, form, surface, drainage, animal and vegetable life, resources, etc. Natural advantages of the cities. (*c*) Observation to accompany the study of geography—apparent movements of the sun, moon and stars, and varying time of their rising and setting; difference in heat of the sun's rays at different hours of the day; change in the direction of the sun's rays coming through a school-room window at the same hour during the year, varying length of noon-day shadows; changes of the weather, wind and seasons.

PHYSIOLOGY.—Physiology for Young People (new Pathfinder no. 2) chap. 1 to 9.

HISTORY.—(*a*) *English:*—Early Britain. How the English came. Struggle between English and Danes. Norman rule. Magna charta. England on the continent. (Henry V.) (*b*) *Canadian:*—French regime.

ELEMENTARY SCIENCE.—*Minerals:*—Simple lessons on gold, silver, copper, lead, zinc, tin, iron, sulphur, carbon, oxygen, hydrogen.

GRADE VII.

READING.—Story of Iliad.—Church. English classic series no. 59. Story of Æneid.—Church. English classic series no. 58. Birds and Bees. Riverside literature series no. 28. Christmas Carol (condensed) English classic series no. 32. The Children's Treasury of English Song. Part I. Palgrave. (McMillan & Co.)

COMPOSITION.—Oral and written exercises as in previous standards. Making of abstracts; expansion of narrative, sentences into paragraphs.

WRITING.—Careful attention to penmanship in all written exercises.

ARITHMETIC.—Decimals completed. Percentage without time. Easy problems in interest. Application of square and cubic measures. Problems.

SPELLING.—From reading matter. Incidental spelling. Careful attention to spelling of all words used in written exercises.

MUSIC.—Third reader, normal music course.

GEOGRAPHY.—Physical and political geography of the countries in Europe and North America. General review of the physical features of the grand divisions. Position of the countries in the grand divisions, surroundings, surface, climate, animal and vegetable life, resources, inhabitants—their occupations and social condition, important localities, cities and towns.

PHYSIOLOGY.—Physiology for Young People (new Pathfinder no. 2), chap. 10 to 17.

HISTORY.—(*a*) *English:*—Religious movements. (Henry VIII and Mary.) King and people. (Chas. I, commonwealth.) Development of industries and increase of power of industrial classes. (*b*) *Canadian:*—Military rule. Quebec Act. Constitutional Act. War of 1812. Responsible government.

ELEMENTARY SCIENCE.—*Minerals:*—Carbon and its oxides, iron, oxides, sulphides, chlorides, carbonates, silicates, sulphates.

GRADE VIII.

READING.—Cricket on the Hearth. English classic series no. 86. Lays of Ancient Rome. English classic series nos. 76, 77. Essays of Elia. English classic series no. 88. Lay of Last Minstrel, introduction and canto I. English classic series no. 8. Irving's Legend of Sleepy Hollow. English classic series no. 41. The Children's Treasury of English Song. Part II. Palgrave. (McMillan & Co.)

COMPOSITION.—Continuation of previous exercises. Direct instruction in choice of words, arrangement of words in sentences, structure of paragraphs, narration, description, common figures of speech.

GRAMMAR.—Tweed's grammar for common schools (Lee & Shephard.)

WRITING.—Careful attention to penmanship in all written exercises.

ARITHMETIC.—Percentage with time. Interest and discount. Ratio and proportion. Square root. Measurement of surfaces, triangles, parallelograms, circles.

ALGEBRA.—Simple rules, simple equations, problems, easy exercises in factoring.
EUCLID.—Book I with easy exercises.
SPELLING.—As in grade VII.
MUSIC.—Third reader.
GEOGRAPHY.—Physical and political geography: (*a*) of the countries in South America, Asia, Africa; (*b*) of Australasia and other islands of the Pacific. Topics as in grade VII.
HISTORY.—(*a*) *English*:—from James I to end; (*b*) *Canadian*:—Confederation to present time.
ELEMENTARY SCIENCE.—*Physics*:—Common facts learned from observation and experiment in regard to the following topics:—1. Matter, its properties and states. 2. Motion and force, laws of motion. 3. Gravitation, equilibrium, pendulum. 4. Lever, wheel and axle, pulley, inclined plane, wedge and screw. 5. Liquid pressure, specific gravity. 6. Electricity, frictional and current. Magnetism compass. 7. Sound, pitch of sounds, echoes, acoustic tubes. 8. Heat, diffusion, effects, thermometer. 9. Light, reflection, refraction, lenses, solar spectrum, colour.

FOR THE WHOLE SCHOOL:

MORALS.—(*a*) Duties to self:—Self-culture, self-respect, self-control; purity in thought, word and deed; industry, economy; truthfulness, courage, etc.
(*b*) Duties to others:—Courtesy, including all forms of politeness in schoolroom, home, society, public meetings, school ground, street; respect for parents, teachers, benefactors and those in authority.
(*c*) Duties to the state:—Civil duties, including respect for law as the means by which the innocent are protected and the guilty punished; tax paying, patriotism, support of government, etc.; political duties—voting, public office a sacred trust.
(*d*) Duties to animals:—As beasts of burden, as food, as sport.
To establish the habit of right doing, instruction in moral principles must be accompanied by training in moral practices. The teacher's influence and example, current incidents, stories, memory gems, sentiments in the school lesson, examination of motives that prompt to action, didactic talks, teaching the ten commandments, etc., are means to be employed.

TEXT BOOKS.

LIST OF TEXT BOOKS FOR THE USE OF PUBLIC SCHOOLS, STANDARDS I–IV.

Canadian readers, published by W. J. Gage & Co.: First primer, second primer, second book, third book, fourth book.
Supplementary Readers: The Ontario readers, parts I and II, Appleton's Primary Reader, the Ontario and Appleton's primary charts, Tweed's Grammar for Common Schools, Buckley's History of England, Jeffers' History of Canada (primer), the Public School Geography, Kirkland & Scott's Elementary Arithmetic, Child's Health Primer (Pathfinder no. 1), McLean's High School Book-keeping, Gage's copy books.

LIST OF TEXT BOOKS FOR THE USE OF PUBLIC SCHOOLS, STANDARD V AND INTERMEDIATE DEPARTMENT.

Canadian readers published by W. J. Gage & Co., fifth book, Tweed's Grammar for Common Schools, Welsh's English Composition, Buckley's History of England, Jeffers' History of Canada (primer), the Public School Geography, Hamblin Smith's Arithmetic, C. Smith's Elementary Algebra, Gage's Introduction to Physical Science, Physiology for Young People (new Pathfinder no. 2), McLean's High School Book-keeping, Gage's copy books.

NOTE.—Any school using unauthorized text books shall forfeit its right to participate in the legislative grant.

RETURN

(40*b*)

To an ADDRESS of the HOUSE OF COMMONS, dated 30th March, 1894, for copies of all papers, petitions, letters, reports, minutes and orders in council respecting the school law of Prince Edward Island, intituled "The Public Schools Act, 1877."

JOHN COSTIGAN,

Secretary of State.

CHARLOTTETOWN, 17th April, 1877.

Sir ROBERT HODGSON, Lieutenant-Governor of Prince Edward Island.

SIR,—I respectfully desire to address a memorial to your honour.

By an act of the legislature passed in the 31st year of the reign of her present majesty, chapter 6, provision was made for schools—for the French-speaking portion of the population by section 72 directing the amount of money to be paid to their teachers over and above the salaries to be paid to the teachers of other schools.

A bill, which has passed through two branches of the legislature during the present session, repeals the section before referred to and makes no provision in its place.

Whether intended or not, the direct effect of this will be seriously to injure, if not completely to close, the separate schools which for so many years have existed among the French.

If the legislature possessed a legal right to do this, I should deny, as I do now deny, its moral competence to do it, for a cruel act of injustice is not less cruel or less unjust because it is embodied in an act of the legislature.

But I desire to point out to your honour that the 93rd section of "The British North America Act, 1867," provides for a case exactly such as this, for, anticipating a possible wrong, the imperial act renders a local legislature powerless to give it effect. I am advised that the French schools, so essentially "separate," as they have been for years, which are now sought to be so summarily closed, come clearly within the letter as well as the spirit of that enactment.

I protest against this bill now awaiting your honour's assent because it "prejudically" affects the "right or privilege" of the French population of this province.

I protest against it because a system virtually "separate" existed by "law at the union" of this island with the dominion of Canada, and because the "right or privilege" of the French-speaking portion "of the queen's subjects in relation to education" will thereby be seriously affected.

Against this bill I appeal to the governor general in council. To allow this act to go into operation at once, with all the cumbrous and expensive machinery necessary for the working of its provisions, will be to close the separate schools of the French population which I seek to save, and deprive them of the benefits of education which I am striving to secure for them, and this would be a grave and serious evil I desire to avert.

I do not ask your honour to disallow the bill, reasonable as I believe that request would be, but your honour has been given the power and the right of protecting

a minority from the injustice which may arise from hasty and injurious legislation. Rights, such as those enjoyed by the French-speaking minority of this province, are most carefully guarded by the British North America Act. Lest a statute of the local legislature might conflict with these rights, the reserving power has been intrusted to the lieutenant governor. The exercise of that power decides nothing, but merely gives an opportunity for further consideration of the reasons which may be urged by those whose rights are sought to be taken away. To assent to it, would be to give a decision indeed, and at once destroy rights long enjoyed by the separate schools of the French population.

I earnestly entreat your honour to withhold your assent from this bill and so stay its operation for, at least, a little while that I may have an opportunity of making the appeal against its legality which the constitution enables me to do.

In this memorial to your honour, I rest the prayer of my petition upon my strict legal right to appeal to the governor general in council, under the 93rd section of the British North America Act, but, in doing so, I do not desire to be understood as having stated the only objections which may be urged against this measure. These objections at other times and in other ways shall be duly commented on, for the bill in question comes in sharp contact with the religious convictions of nearly half the people of this province. My people have a strong belief in the traditions of their fathers and a deep attachment to their ancient faith, and a measure which, in its inception and its object, is designed to destroy the one and uproot the other, can only be acquiesced in by them after every legitimate means has been exhausted to protect themselves against its operation. These are considerations, however, which I abstain from urging upon your honour now, all I ask is that your honour will exercise the prerogative given to you and not prevent a minority whose rights have been recognized by an imperial act—and which are very dear to them, from availing themselves of a safeguard given to them by that very act in the endeavour to save their rights from destruction.

I have the honour to be
Your honour's obedient servant,
PETER McINTYRE,
Bishop of Charlottetown.

GOVERNMENT HOUSE, 18th April, 1877.

His Lordship the Bishop of Charlottetown.

MY LORD,—I have the honour to acknowledge the receipt yesterday of your lordship's memorial of that date requesting me, for the reasons therein assigned, to withhold my assent to an act recently passed by both branches of the legislature in relation to the public schools of this province.

In reply I beg to inform your lordship that, as at present advised, I cannot accede to your request.

I shall not, however, fail to forward your lordship's memorial with the act when transmitted for the approval of his excellency the governor general, in whom is vested the power of giving effect to your lordship's objections thereto, if he deems them well founded.

I have, etc.,
R. HODGSON,
Lieutenant Governor.

PROVINCE OF PRINCE EDWARD ISLAND,
GOVERNMENT HOUSE, 15th May, 1877.

The Honourable the Secretary of State.

SIR,—I have the honour to transmit herewith a memorial from his lordship the Roman catholic bishop of Charlottetown to his excellency the governor general, on the subject of the Public Schools Act, recently passed by the legislature of this province, which the bishop has requested me to forward to his excellency.

I transmit also, for the information of his excellency, the protest addressed to myself, referred to in the bishop's memorial to the governor general, requesting me to withhold my assent to the act in question, together with a copy of my reply thereto.

I received the bishop's protest late in the day, previous to the prorogation, and the leader of my government informs me that no representation was made by the bishop against the passing of the act during its progress through both houses of the legislature.

A limitation clause in the act prescribes the first day of July next as the period when it shall come into operation, and I am assured that it will be ready for transmission to Ottawa within a fortnight from this date.

I have, etc.,

R. HODGSON,

Lieutenant Governor.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, 12th May, 1877.

The Right Honourable the Earl of Dufferin.

MY LORD,—During the session of the legislature of this province which has just closed, an act dealing with public education has been passed. Against this act I protested, because of its suppression of French Acadian schools, which, I deem, are protected under the 93rd section of the British North America Act. Sir Robert Hodgson, the lieutenant-governor, while refraining from the exercise of his power to reserve the bill for further consideration, assured me that my objections could be urged to, and would be considered by your excellency.

When I protested against the suppression of the French schools, I had not then seen the whole act, for it had not been printed. Since then, and within the last few days, I have procured a copy, and upon giving it an attentive perusal, I find to my great sorrow that the Roman catholics of this province are virtually marked out by exceptional legislation for heavy taxation, far over and above what must fall upon other religious denominations.

My lord, I cannot allow this to pass without an appeal to your excellency to stay the operation of a measure so harsh and so oppressive. The reasons why your excellency is confidently appealed to to protect the Roman catholics of this province against legislation directed against them, are embodied in memorials to your excellency. These are being rapidly signed throughout the province, and in a week or two I hope to lay them before your excellency. In the meantime, I venture to express the hope that your excellency will delay assenting to this measure until these objections be laid before you, expressing, as they do, the deep sense of the wrong attempted to be done to nearly one half of the population of this island.

I have the honour, my lord, to be your lordship's obedient servant,

PETER McINTYRE,

Bishop of Charlottetown.

To His Excellency the Right Honourable
Sir FREDERICK TEMPLE, Earl of Dufferin, etc., etc., etc.

The memorial of the undersigned adult inhabitants of the province of Prince Edward Island humbly showeth:—

That by an act passed on the 18th day of April last, called "The Public Schools Act, 1877," provision is made for a system of public education throughout this province.

That your memorialists believe that education should not and cannot be separated from instruction in the verities of the Christian faith, and, so believing, they have, throughout the province, at their own expense, built and maintained schools where secular teaching becomes education by being based upon religious instruction.

The act before alluded to not only ignores these schools, but attempts to legalize a principle so harsh and unjust, that your memorialists earnestly entreat your excellency to stay its operation.

Your memorialists assure your excellency that they cannot withdraw their children from the schools which, at so much expense to themselves, they have erected, for they are restrained from doing so by the strength of convictions which they cannot overcome. They will therefore be compelled to pay for secular schools in addition to those which they feel bound to support.

They believe this to be an act of injustice to them, but it is an act of injustice which a majority possessed the power of imposing upon a minority, and, therefore, while they protest against it, they must submit. But, in addition to this, the statute introduces a new and unheard of principle, for it in effect makes it a crime, punishable by fine and imprisonment, for your memorialists to send their children to their own schools, rather than to those established under its provisions.

Section 15 provides that unless the average attendance in a school district "shall be fifty per cent of the children of school age within the district" that a deduction shall be made from the salary of the teacher.

Section 16 provides that such deduction shall be made up by and levied as a rate upon those parents who, by not sending their children to the schools, have caused the number of scholars to fall below the average required by section 15.

The effect of these clauses will be this:—If your memorialists continue, as they will continue, to send their children to their own schools, and from such attendance the average of children attending the schools under this act should fall below fifty per cent, then, notwithstanding your memorialists have paid their taxes into the public treasury, and that their children are attending efficient schools built and maintained by themselves, nothwithstanding this, they are to be fined because they will not withdraw their children from the religious teaching they prize so highly, to send them where all instruction in the Christian religion is, by law, carefully and rigorously excluded.

To ignore efficient schools because Christianity is taught in them, your memorialists believe to be a grievous wrong, but to direct special legislation against them, so as to blot them out of existence, is an act of injustice so oppressive that your memorialists most respectfully appeal to your excellency that, by exercising the power given you by the constitution, you may protect them against the operation of so unjust a law.

These schools are, as they were intended to be, an evidence of the ardent attachment of your memorialists to their ancient faith, and this statute enacts that they shall not send their children to them without the poor alternative of fine and imprisonment.

Against this law and its cruel and unjust enactment your memorialists appeal to your excellency. We entreat your excellency to disallow it—to leave it to its operation would be to give the sanction of her majesty's approbation to a legislative enactment directed against the Roman catholic faith, by endeavouring to suppress educational establishments which, at great expense and with no little exertion and sacrifice, they have erected and maintained for the education of their children.

And your memorialists, etc.,

PETER McINTYRE,
Bishop of Charlottetown.

(Alleged to bear 18,000 signatures.)

MEMORANDUM by the Bishop of Charlottetown and the Rev. Dr. O'Brien, to accompany the petitions inclosed by His Lordship Bishop McIntyre, of Charlottetown, to His Excellency the Governor General.

OTTAWA, 6th June, 1877.

The Anglo-Rustico schools (now sought to be suppressed by the "Public Schools Act, 1877") were not brought into existence by the 31st Vic., cap. 6 (3d. vol. Laws of Prince Edward Island, page 316). They were in existence before that time. The 103rd section of that statute enacts that they "shall be continued as now in operation."

Section 104 gives power to the board of education to establish similiar schools to those established in the Anglo-Rustico district.

Besides the "two schools" referred to in section 103, there have been established the following under the provisions of the 104th section :—

Rustico, Queen's county, 3 (additional); Hope River, Queen's county, 3; Egmont Bay, Prince county, 5; Miscouche, Prince county, 2; Fifteen Point, Prince county, 4; Cascumpec, Prince county, 4; Tignish, Prince county, 8; making in all 31, including the two referred to in section 103.

In these schools the books were and have been similar to those used in the catholic schools in the province of Quebec.

In each and every of these schools it is, and ever has been, the custom and the legally recognized right, "in operation" in 1868, for the catholic priest, in whose parish they were situated, to attend each as frequently as he deemed necessary, or as often as his duties permitted him, to hear the children their catechism and to instruct them in the verities of the catholic faith. This has been the uniform custom and acknowledged right since the establishment of these schools to the present time.

This was the mode in which the Anglo-Rustico schools in township number 24 were "in operation" at the time of the passing of the 31st Vic., cap. 6.

This mode of "operation" was in force when Prince Edward Island entered the confederation. It is claimed that a right became vested in favour of all Anglo-Rustico schools then established, and under the 93rd section of the "British North America Act" was protected—protected to such an extent that the provincial legislature was unable to divest the French population of such rights.

It is observable that section 103 required the teachers of the Anglo-Rustico schools to comply with the provisions of this act relating to district teachers "but not teaching." This difference was made in order that the teaching might be under the direction of the parish priest, and that such books might be introduced as he might think advisable. As a fact, such books were introduced, and were before and at the time of and since confederation, the same as were used in the catholic schools of Quebec. It was a condition precedent that each teacher of the Anglo-Rustico schools should obtain a license from the board of education. This was always done, but they were exempt from the rules of teaching incumbent upon the teachers in English schools.

The requirements of section 104 (the last line) has always been strictly and scrupulously adhered to: "and the trustees of his school shall conform in all respects to the provisions of this act." In every particular and in every respect, has this requirement been strictly adhered to. The assessment, the election of trustees, each and all and every requirement has been conformed to in a manner the most special and minute. For the French valued very highly these schools, and all the more highly because they were denied to their Irish and Scotch co-religionists, and they alone of all the catholics in Prince Edward Island were entitled to them by law.

They were sufficiently intelligent to understand this: that, unless the language of the 93rd section of the British North America Act was used in a non-natural sense, these schools were secured to them for ever. To describe their amazement and distress now that these schools are to be destroyed, is simply impossible.

They feel they have been deceived and betrayed, and the difficulty is that their pastors are unable to enlighten them, for they themselves are not able sufficiently to appreciate the polemical dexterity by which the catholic faith is, under the guise of a legislative enactment for the support of "education," sought to be suppressed.

† PETER McINTYRE,

Bishop of Charlottetown.

C. O'BRIEN, D. D.

DEPARTMENT OF THE SECRETARY OF STATE, 1st June, 1877.

To His Honour
The Lieutenant Governor of Prince Edward Island,
Charlottetown.

SIR,—I have the honour to acknowledge the receipt of your despatch no. 14, of the 15th May, inclosing a letter addressed to his excellency the governor general, by the Roman catholic bishop of Charlottetown, which his lordship has requested you to forward to his excellency on the subject of the Public Schools Act recently passed by the legislature of the province of Prince Edward Island.

I have, etc.,

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE, 1st June, 1877.

To the Governor General's Secretary.

SIR,—I am directed to transmit to you herewith a letter addressed to his excellency the governor general, by his lordship the Roman catholic bishop of Charlottetown, received through his honour the lieutenant governor of Prince Edward Island with a request from the bishop that it might be forwarded to his excellency, on the subject of the Public Schools Act recently passed by the legislature of that province.

I have, etc.,

E. J. LANGEVIN,
Under Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE, 6th June, 1877.

To His Honour
The Lieutenant Governor of Prince Edward Island,
Charlottetown.

SIR,—With reference to your despatch, no. 14, of the 15th ultimo and its enclosures, on the subject of the local Public Schools Act passed during the recent session of the legislature of the province of Prince Edward Island, I have the honour to request that you will, at the earliest possible moment, transmit a full report with reference to the provisions of the act complained of by his lordship, the bishop of Charlottetown, with such observations and explanations as you may, after the advice of your ministers, be able to communicate for the information of his excellency the governor general.

I have, etc.,

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF JUSTICE, OTTAWA, 6th June, 1877.

With reference to the despatch of 15th May, 1877, from the lieutenant governor of Prince Edward Island, on the subject of the recent local Public Schools Act, enclosing certain letters from the bishop of Charlottetown as to some of the provisions of that act, I recommend that a despatch be addressed to the lieutenant governor requesting at the earliest moment a full report from him with reference to the provisions of the act complained of by the bishop of Charlottetown with such observations and explanations as he may, after the advice of his ministers, be able to communicate for the information of his excellency.

R. W. SCOTT,
Acting Minister of Justice.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 9th June, 1877.

To His Honour
The Lieutenant Governor of Prince Edward Island,
Charlottetown.

SIR,—Adverting to my letter of the 6th instant, I have the honour to transmit to you herewith copies of two petitions—one from certain of the adult inhabitants of the province of Prince Edward Island, and other from the French Acadian population of Prince Edward Island, accompanied by a copy of a memorandum signed by his lordship the bishop of Charlottetown and the Reverend Dr. O'Brien, praying for the disallowance of the act passed by the legislature of that province during its late session entitled "The Public Schools Act, 1877."

I have to request that you will bring these documents under the notice of your government with the view of eliciting from the government such observations as they may choose to make on the petitions and papers sent herewith.

I have, etc.,

R. W. SCOTT,
Secretary of State.

PROVINCE OF PRINCE EDWARD ISLAND,
GOVERNMENT HOUSE, 13th June, 1877.

Honourable the SECRETARY OF STATE, OTTAWA.

SIR,—I have the honour to acknowledge the receipt of your despatch no. 1073, on 675 and 676 of the 9th instant, transmitting copies of the petitions, one from certain of the adult inhabitants of this province, and the other from the French Acadian population of this province, accompanied by a copy of a memorandum signed by his lordship the bishop of Charlottetown and the Rev. Dr. O'Brien, praying for the disallowance of the act passed during the late session of the provincial legislature, entitled "The Public Schools Act, 1877," and requesting me to bring these documents immediately under the notice of my government, with the view of eliciting from them such observations as they may choose to make upon such petitions and papers.

The absence of the attorney general, who is also the leader of my government, attending the fishery commission in Halifax, precludes my calling their attention to this matter until his return, when no time shall be lost in doing so.

I have, etc.,

R. HODGSON,
Lieutenant Governor.

OTTAWA, 20th June, 1877.

His Excellency the Right Honourable LORD DUFFERIN, Governor General.

MY LORD,—In addition to the memorials and other documents which I have already had the honour to transmit, as well to your excellency as to the secretary of state for Canada, I have now the honour to inclose to your excellency still further evidence showing that the Anglo-Rustico schools of Prince Edward Island, which are to be suppressed by "The Public Schools Act, 1877," are, and always have been separate, disentient and denominational in their character.

I herewith inclose twenty-five certificates signed by the teachers and trustees of the Anglo-Rustico schools, which show very clearly this fact and earnestly deprecating their supression.

I also have the honour to inclose a certificate, signed by 442 of the inhabitants of Prince Edward Island, in which they bear evidence that these schools have always been considered to be catholic denominational schools.

I also inclose a copy of the 39th section, of the 15th Vic., chap. 13 (local statutes of Prince Edward Island). It was under this statute that the Anglo-Rustico schools were first recognized by law, and I desire to call your excellency's attention to the fact that the teacher was not required to pass any examination before the board of education, but, instead, was required to produce a certificate from the catholic priest of his efficiency for teaching, and that it was necessary that such certificate should contain a statement that he was a member of such priest's congregation.

Protestants were thus absolutely prohibited from teaching these schools. The law not that the teacher might be, he must be a catholic. The act of 1868, which consolidated the then existing education laws, repealed this section, and substituted the provisions of section 103 in its stead, which enacts that the Anglo-Rustico schools "shall be continued as now in operation."

How these schools were then "in operation," is clearly shown by the inclosed certificates. The only change made was that the teachers should pass the examination required by the board of education.

And now, my lord, I feel that my task is completed. I have laid before your lordship what I venture to affirm to be evidence unanswerable and overwhelming, that these schools come within the letter and the spirit of the 93rd section of the British North America Act, and I now wait the result of your excellency's decision with an anxiety which I cannot conceal.

The general certificate, signed by protestants as well as by catholics, is not as numerously signed as it would have been had I had more time at my disposal. But I felt it might be satisfactory to your lordship to have this additional evidence as soon as possible, and I lost not a moment in obtaining it.

I left Ottawa on the instant and since then I have travelled 2,450 miles; to accomplish this, I travelled day and night, and my anxiety to return to Ottawa in the shortest possible time, gave me but little space to have the certificate more generally attested. Had a longer delay been possible, I could have presented it with thousands of signatures instead of with hundreds; but I felt that what I had procured was sufficient to prove the facts that are set forth in it, and I feared laying myself open to any imputation of delaying one single hour what I might sooner place before your excellency.

When I reached my diocese, I saw all the teachers and masters whom it was possible for me to visit. On Sunday alone I rested, and, then, only to celebrate and set forth the mysteries of our holy faith, which are so cruelly attacked by this bill. I only mention this to your excellency, not as claiming any credit for what I have done, I could not do less; I feel I may truly say, I could not have done more; I have endeavoured to still the agitation of my people; I discountenanced all public meetings; I have sought to quiet their alarm. I hoped and I sought to impress the belief upon them, that your excellency, as the representative of the queen's majesty, would not lend the sanction of our sovereign's approval to a legislative enactment against our legally established catholic schools, in which their children for so many years have been instructed in our holy faith.

And, now, my lord, I lay these documents, these proofs of our case, before your excellency, with earnest hope that your excellency will be pleased to exercise the power given you by the constitution, and disallow this illegal and unconstitutional measure.

I have the honour to be, my lord,
With expressions of my most profound respect,
Your lordship's humble and obedient servant,

✠ PETER McINTYRE,

Bishop of Charlottetown.

We the undersigned, inhabitants of the province of Prince Edward Island, do hereby certify that the Anglo-Rustico schools which have been recognized by, or established under, the Education Act of 1868, or the previous acts consolidated by that statute, are, and have always been considered to be catholic denominational schools.

The trustees and teachers have always been catholics, a lesson in the catechism was daily taught and the books used were catholic works of devotion and instruction, and were other than those prescribed by the board of education.

Some of the undersigned are not Roman catholics, but they cheerfully bear witness to the matters of fact set forth in the above statement.

PETER MACINTYRE, Bishop of Charlottetown.
DANIEL McDONALD, D. D., V. G.
STEPHEN PHELAN, C. C.
H. Z. PERRY,
JOHN CORBETT,
OWEN CONNOLLY,
JOHN GAHAN,
J. B. MACDONALD,
JOHN McEACHERN,
D. A. MACDONALD,
MARTIN SHEA,—and four hundred others.

Extract from Minutes of the Executive Council of Prince Edward Island.

COUNCIL CHAMBER, 30th June, 1877.

At a meeting of the executive council in committee:—

Present:

Messrs. DAVIES,
" YEO,
" LAIRD,
" GORDON,
Messrs. STEWART,
" LEFURGEY,
" ROBERTSON,
" PROWSE,
DEBLOIS.

The executive council in committee have had under their consideration the following memorials and petitions against "The Public Schools Act, 1877."

1. Petition of Bishop McIntyre to Lieutenant Governor Hodgson, dated 17th April, 1877.
2. Petition of Bishop McIntyre to the governor general, dated 12th May, 1877.
3 A petition to the governor general, alleged to be signed by 18,000 adult inhabitants of this province.
4. A petition of certain Acadian French inhabitants of this province.
5. A memorandum by the bishop of Charlottetown and the Rev. Dr. O'Brien, to accompany the above petitions.
6. Memorial from Bishop McIntyre to the governor general, dated 20th June, 1877, with certificates attached.

The council in committee desire to make some observations upon the statements made in these petitions and memorials, more especially with reference to the claim now, for the first time, put forward that the law of this island, before and at the passing of the act petitioned against, recognized certain separate denominational schools. At the outset they cannot refrain from expressing their surprise and astonishment that such a state of facts should have existed in this province, and that neither during the late election, when the question of denominational education was fairly placed before the people, nor since then in the discussions of the press and in the legislature, has ever such claim, to their knowledge, been advanced. The council in committee emphatically deny the statements in these memorials, in so far as they assert or imply the existence of any separate denominational schools in this province recognized by law or supported at the public expense. They assert, without hesita-

tion that no such schools exist, or have existed for many years, and that the law does not, and did not, at the time confederation took place, recognize or sanction them. They admit that in the French schools, as well as in the Scotch and Irish schools, books have been used which were not authorized by the regulations of the board of education, but they affirm and submit that there existed no legal authority for the use of these books, and that their use was improper and illegal. It is unnecessary to point out that an evasion of the law, even if successfully carried on for years, cannot, of itself, change the law or the rights of any parties under it. The great principle that the public moneys shall not be appropriated for the purpose of teaching sectarian dogmas or creeds, is one which a large majority of the people of this province value very highly, and which they will not surrender without a struggle commensurate with the importance they attach to the principle itself. It has been the underlying principle of our educational laws for years, and, though attacked in many ways and from many quarters, has so far been preserved intact.

The "Public Schools Act, 1877," was not passed by the legislature in a secret or hurried manner. When first introduced it was printed and circulated, and ample time afforded to any who desired to petition or protest against it. The press of the province, from their different standpoints, discussed its provisions and their effects at length, and during the session of the legislature it was the topic uppermost in the minds of all interested in the subject of education. Notwithstanding all this, no protest or petition against the bill was ever presented to either branch of the legislature. The debates upon the bill, both upon its introduction and during its progress, were long and protracted. At least one of the members of the opposition was a French Acadian, and had been for years a member of the executive council and the board of education of the province, while several others represented French Acadian districts. Every conceivable argument against the bill was resorted to by those opposed to it; yet, strange to say, not a word was said, not a hint given, of the existence of these separate denominational schools which, it is now alleged, the French Acadians legally possessed. The fact is at least significant, and the council in committee boldly assert that no member of the legislature would have dared publicly to state that any such schools existed with the sanction of law.

The council observe that in the petition of the Roman catholic bishop to the lieutenant-governor against the bill, dated 17th April last, the assumed rights of the French Acadians are based solely upon the 72nd section of the act of 1868. The argument raised by the bishop upon this section has already been fully answered by the attorney general in his reasons for the passing of the act now petitioned against. The council in committee do not deem it necessary to add anything further to the attorney general's reasons upon this point, than to observe that the several education laws in force in this province, from the year 1854 downwards, recognized the principle of giving extra allowances to teachers who imparted instruction in the higher branches, and such extra allowances were paid as well to those who taught Greek and Latin, as to those who taught French. The attempt to construe a section of the law providing additional payment to teachers who were capable of imparting certain extra branches of learning as conferring a special privilege upon any one class of the inhabitants, will not, they submit, bear a moment's scrutiny.

The bishop's memorial to the governor general, dated 12th May, 1877, takes different ground. In that memorial he prays for a disallowance of the act on the general ground that it is unjust to the Roman catholics, and that it "virtually marks them out by exceptional legislation for heavy taxation." No section or part of the act is referred to in support of this serious charge, and the council in committee unhesitatingly assert that none can be, and they appeal confidently to the provisions of the act itself in support of their denial of the charge. The object of the legislature was to enact an educational law which should bear justly upon all classes and creeds. That object the council in committee affirm the legislature fairly carried out in the act now under discussion. Its provisions are, to a very large extent, taken from the act which has been for some years in operation in New Brunswick.

The petition alledged to be signed by 18,000 adult inhabitants of this province reiterates the charges of injustice set forth in the bishop's petition above referred

to, and attempts to substantiate them by references to the 15th and 16th sections of the act. These two sections provide that, in cases where a certain average attendance of scholars is not maintained, a deduction shall be made from the salary of the teacher, and to prevent the innocent from suffering for the neglect of others, they provide that those who wilfully refuse to send their children to school, and so cause the deficiency in the attendance, shall be obliged to make good the deduction from the teacher's salary. These provisions are, in the main, merely re-enactments of those which have been in force for many years in this province, and are, it is respectfully submitted, necessary for the efficient carrying out of any education law. The change from the old law lies in the simple fact that the deduction from the teacher's salary, made because of the deficiency in the average attendance, is to be levied upon those who wilfully cause the deficiency. The 21st section of the act of 1854, the 8th and 10th sections of the act of 1860, the 24th section of the act of 1861, the 5th section of the act of 1863, and the 27th section of the act of 1868, are respectfully referred to in support of the council statement. The allegation in the petition that the enactment in question is "directed against the Roman catholic faith," is couched in strong language, and is, doubtless, intended to appeal to the sympathies of those moderate and prudent statesmen who justly discountenance class legislation. The council in committee pronounce the statement to be most unjust and untrue; the framers of the bill, had no such object, and the bill itself nowhere discloses it. If any such object prevailed with the promoters of the bill, why did they incorporate subsection M of section 93 in it? This section was expressly inserted to meet those cases where any denomination of Christians, Roman catholics or protestants, had erected a school of their own and to enable such school to participate in the public expenditure, provided it conformed in all respects to the public schools' rules and regulations during school hours. In New Brunswick a section, identical in its terms, proved to be the panacea for the complaints of the Roman catholics of that province, and there exists no reason why a similar result should not follow here, if equally moderate counsels prevail.

Turning from these general charges against the act, the council in committee desire to call more especial attention to the statements made in the memorandum of Bishop McIntyre and Dr. O'Brien, which accompanied the petitions, in the petition signed by a number of Acadian French, and in an additional petition of Bishop McIntyre, dated 20th June instant, to which is annexed a number of certificates. These documents assert, in very positive and distinct terms, that there has existed in this island, for years past, a class of separate denominational schools, recognized as such by law, and known as the Anglo-Rustico schools. To this statement the council in committee give a most unqualified denial; they assert in distinct and unequivocal language, that if such denominational schools do exist, they exist in defiance of the law, and without the knowledge of the government, or of the education authorities. They are aware that in the district schools attended by the children of the French Acadians, and also in some other schools attended by children of one denomination only, either of protestants or Roman catholics, the law, with respect to the books to be used, has been, to a limited extent, evaded, but they allege that no public school existed in this province at the time of confederation, or since then, which legally had any of the rights or privileges now claimed for the schools designated in the petitions as Anglo-Rustico schools. It certainly will be admitted as, at least, a singular fact, that with thirteen Roman catholic members in the legislature, all opposing the bill, no such claim as that now advanced, was ever made; that no newspaper in the province has, to their knowledge, ever maintained it; that the secretary of the board of education, who has filled the office for over four years, never knew of it, and that no member of the council ever had the slightest knowledge of its existence. The agitation on this school question has been continuous for years past in this province. Petitions on the subject have been presented time and again by the Roman catholic bishop and the Roman catholic laity to the legislature, and yet never once have the extraordinary claims now made been, to our knowledge, preferred or hinted at. On the contrary, in the year 1875, a monster petition was presented to the legislature of this province, signed by His

Lordship Bishop McIntyre and about 9,000 Roman catholics, of which number nearly 2,000 were French Acadians, of the very school districts which are now alleged to possess, as of right, these catholic denominational schools, in which petition they pray the legislature to concede the very privileges they now boldly assert, they, at that time, and for years before, had legally possessed. A copy of this petition will be forwarded herewith, and the council in committee respectfully submit, that whatever construction may now be placed upon the act of 1868, the presentation of this petition to the legislature shows clearly that the bishop and the 9,000 others who signed with him did not, at that time, know of the existence of the rights they now profess to have been, for so many years, in the legal enjoyment of. Again, in the session of 1876, a parliamentary committee, composed of protestants and catholics alike, was appointed to investigate and report upon the manner in which the education law had been, and was then being, carried on in the public schools of the province. That committee sat for days, examined a large number of witnesses, including all the school inspectors, the president and secretary, and nearly all the members of the board of education, and the head masters of our provincial college and normal school. The evidence taken and the report of the committee clearly showed that the law, with respect to the books used, has not been complied with, particularly in the French Acadian schools, but not a hint was given of the existence of any such legal rights as those now claimed in the memorials under review.

The council in committee fully admit that this strange silence does not amount to any positive proof, and they confidently appeal to the statute law in support of their position. The argument in the memorandum of the bishop and Dr. O'Brien, reiterated in the bishop's last petition of 20th June, 1877, is that by the 39th section of the act, 15 Vic., cap. 13, the Anglo-Rustico schools were first recognized, and had certain rights guaranteed to them, and that this recognition and these rights existed at the time of the passing of the act of 1868 (31 Vic., cap. 6) and were sanctioned and legalized by the 103rd and 104th sections of that act; that they continued in force at the time this province entered the confederation in 1873, and cannot now be withdrawn by the local legislature. The construction attempted to be put upon these two last named sections of the act, is one which, the council in committee submit, they will not legally bear. There are no schools in this province known by the name of the Anglo-Rustico schools, or called in the acts by any such name. The school districts of this island are each registered by some particular name; one district and one only is called and registered the "Anglo-Rustico district." Its inhabitants are partly Acadian French and partly English. The district being very populous, and one district school being found insufficient to afford the means of education to all the children, the legislature, in 1864, by the 27th Vic., cap. 31, section 6, after reciting the fact that the district was so populous that one school was insufficient, authorized the board of education to establish two public schools within the limits of that district. The section provided that the teacher should be a duly licensed district school teacher and that both he and the trustees of the school should comply with all the provisions of the law relating to education. The 7th section of the same statute authorized the board of education to apply the same remedy to other districts found similarly circumstanced with the "Anglo-Rustico district," that is, being so populous that one school was insufficient for the children. It goes on to provide expressly that the teachers of any such additional school, established under that section, should be a duly licensed teacher, "and that both teachers and trustees should conform, in all respects, to the laws relating to education." These sections show at once how and why the two schools of the Anglo-Rustico district were "in operation" at the time of the passing of the law of 1868. The reason of their being allowed at all was, as it stated on the face of the act of 1864, because the district was too populous for one school, and the mode in which they were to be conducted was with a duly licensed teacher, and none other, and by "both teacher and trustees conforming, in all respects, to the law." The 103rd section of the act of 1868 (31 Vic., cap. 6), was enacted to confirm and continue that state of things, and the 104th to permit the application of the same remedy to districts found similarly circumstanced. The e sections are nearly transcripts of sections 6 and 7 of the act of 1864, which was e-

pealed by the act of 1868. The French children of the Anglo-Rustico district, as a matter of convenience and choice, attend one school, the English children the other. Neither school has any legal privilege with regard to books, teaching or system of education, distinct from the other public schools of the province. They are both public district schools, and both bound to comply, in all respects, with the provisions of the law; indeed, so careful were the framers of the act to guard against any possible misconception which might arise from allowing two schools to one district, that the very clause conceding the privilege declares that the teacher must be a licensed teacher of the board of education, and must "comply with the provisions of the act relating to district teachers." Now, one of the provisions of the act relating to district teachers is that the books prescribed by the board of education shall be used, and (section 31) that any school wherein the books, regulations and system of education prescribed by the school visitor for the county, or board of education shall not be used, shall, if the board see fit, be deprived of its allowance until it conforms. The 101st section prescribes that no teacher shall receive his pay, until he produces certificates that the "provisions of the act have in all respects been complied with," which certificates are set out in a schedule to the act. The board of education, acting under the authority of the act, promulgated regulations which, for years before, and at the time of, and since confederation, were in full force and unquestioned. A copy of these regulations are appended. The 2nd regulation is as follows:—"No books of any kind shall be used in the schools except those approved of by the board of education from time to time." The council in committee submit that no teacher has attempted, since the passing of the act of 1868, to claim his salary without producing the necessary certificates from the trustees of the district, that he has "in all respects complied with the law." The contention that the teachers in the Anglo-Rustico district were to comply with the law relating to district teachers but not teaching, is unworthy of any reply—it is mere quibbling. Can it be contended that any distinction existed between the English teacher of the Anglo-Rustico district and the French teacher? If so, where does the law point it out? Has the English teacher of that district also a right to educate his scholars as he pleases, and to ignore the law? Such a claim never was known or heard of.

Then, as to the operation of the 104th section, the attorney general has written to the secretary of the board of education, asking if the board has ever acted upon the authority of that section with respect to other school districts on this island, and the reply is that, since his inception of office in January, 1873, they have not, and that no record can be found of their having done so, between the passing of the act of 1868 and the year 1873. A copy of the letter of the secretary of the board of education is appended hereto, and from this it appears that the board has not exercised at any time, since the passing of the act, the powers conferred upon it by the 104th section of the act.

Passing by, for a moment, the construction of the sections 103 and 104, the council in committee dispute *in toto* the correctness of the statements in the bishop's memorandum with reference to the mode in which the two schools of the Anglo-Rustico district were in operation at the time the act passed. The attention of the governor general is called, in the memorial of the bishop of the 2nd June, to the act of 1852, in which the Acadian schools are recognized as distinct schools, and very disingenuously it is insinuated, if not directly and openly stated, that the law remained, up to 1868, as it was in 1852. Nothing could be further from the truth than this, and yet any one not intimately acquainted with island legislation would, from the petitions and memorials now under review, inevitably come to that conclusion. With a view of removing all such erroneous impressions, the council in committee desires to call attention to the island legislation on the subject, and to show that so far from the Acadian schools which, in 1852 were recognized by law, being in existence in 1868, they had years before by express legislation been swept away.

The act of 1852, in its 39th section, recognized the French Acadian schools in this respect only: That it allowed a French Acadian teacher, producing a certificate from the priest that he was a member of his congregation and was capable of teaching certain branches, and had taught them, to receive a certain salary. It did not sanc-

tion, however, the use of any but the prescribed books; on the contrary, the 51st section of that act directed that the board might withhold the allowance from any school not observing the books, regulations and system of education prescribed by it.

In 1854 the education law was amended, and by the 29th and 30th sections the French Acadian teachers had their salaries raised £5 a year, were obliged to open English classes for instruction in reading, writing and arithmetic, failing which, they were to be deprived of their allowance. Next in order came a regulation of the board of education passed in 1857, proscribing all books but those authorized by the board, which regulation has ever since remained in force. In 1860 the law was again amended, and the third section placed Acadian teachers, who passed the board of education examination and received a certificate and complied with the requirements and directions of the education law, on the same footing as other teachers. The 4th section of same act provided that those Acadian teachers who refused to be re-examined, should have their salaries reduced to £35 per annum. The 10th section of same act fixed the number 40 as the total requisite number for each Acadian school, and provided that if the average daily attendance did not amount to 18, a deduction should be made from the teacher's salary.

In 1861 the education laws were consolidated, all previous acts being repealed. The clauses of the previous statutes relating to Acadian teachers were re-enacted. Those Acadian teachers who passed the board's examination were put on the same footing as all other teachers, and those who could not pass the board were to receive a reduced salary. (See sections 29, 31 and 32 of 24th Vic., cap. 36.) The 37th section of same act authorized the board to withhold allowance from any school in which the books, regulations and system of education prescribed by the board were not used and observed. (See sec. 31 of 24 Vic., cap. 36.) In 1863, however, the law was again amended by 26 Vic., cap. 5; the 31st and other sections of the act of 1861, recognizing the Acadian teachers as a distinct class, were repealed, and by the 6th section of the act of 1863, with the general consent of all parties, the legislature expressly reciting that it was inexpedient to grant government support any longer to Acadian teachers as such, abolished them as a separate class, and any special privilege they may have enjoyed. The sections of the act of 1861, conferring privileges upon them, were repealed, and from that time forth the law in this province never recognized the Acadian teacher as distinct from the Scotch, Irish or English. Acadian schools, as being in any sense distinct from other schools, ceased to exist, and when, five years afterwards, the act of 1868 was passed, and referred to the two schools as then in operation in the district known as the Anglo-Rustico district, it was known to all that these two schools were in operation under the law, openly, at least, complying in all respects with the law, and separate, in the sense only that the French children attended one and the English the other. All power of the priest or clergyman to give any certificates to entitle a person to teach had for years expired, and the only power retained to the priest of the Roman catholic church in any public school, was the power enjoyed by the clergyman of every protestant denomination, as also by judges, magistrates and members of the legislature, under the 53rd section of the act of 1868, to visit and inquire into the management of the schools.

How it came to pass that such an important omission was made from the memorials and memorandum against the "Public Schools Act, 1877," as the clauses of the act of 1863 abolishing the last vestiges of the Acadian teachers as a distinct class, it is impossible to say, but there can be no doubt that his lordship the bishop has been very badly advised both as to the law and the facts.

The council in committee inclose, for the information of his excellency the governor general, copies of the several education laws referred to in this minute, and of the regulations of the board of education thereunder. Their earnest desire is to carry into effect a good education law, under which the children of all classes of the community may receive such an education as will fit them for the battle of life. Nothing is further from their minds than the motives imputed to them in the memorials and petitions herein reviewed, and they sincerely believe that the policy of the holding of all religious bodies on an equal footing, so far as the state is concerned,

giving no privileges to the one which are withheld from the other, but treating them all with justice, is the only one which can bring about a peaceful settlement of this great question. The present government of this province were returned by its people to enact and carry out a free non-sectarian school law. The Public Schools Act 1877, is the result of their labours, and they submit that it is strictly within the constitutional powers of the legislature of this province, and does not in the slightest degree violate any of the provisions of the British North America Act of 1867, nor deprive any person or class of any legal privilege which they possessed at the time this province entered into confederation. The construction to be placed upon the 93rd section of the British North America Act has already been determined by the privy council in *ex parte Renaud*, an appeal arising out of the New Brunswick education law, and the council will cheerfully submit to any construction which the application of the rules and principles laid down in that case may lead his excellency the governor general to put upon the "Public Schools Act, 1877."

The council in committee trusts that the originial petition said to be signed by 18,000 persons, and also the certificates said to be signed by 442 protestants and catholics may be transmitted to the lieutenant governor for their inspection, and that if any insuperable objection exists against the transmission of the original that copies of the signatures may be sent.

Certified extract.

WILLIAM C. DESBRISAY,
Clerk Executive Council.

ATTORNEY GENERAL'S REASONS FOR PASSING "THE PUBLIC SCHOOLS ACT 1877."

This act was passed for the purpose of putting the education of the youth of the colony upon a more satisfactory footing than it has been for some years past. It is modelled, to a large extent, upon the public schools act of New Brunswick, and nearly all of the salient features of that act, excepting the mode of levying the assessment, and the sources from, and the conditions under which the teachers salaries are to be paid, are introduced into this act.

So long ago as the year 1852, the system of free education was introduced into, and extended over the whole island. Numerous amendments to the first act have, from time to time, been made, and in the year 1868 an act was passed consolidating and amending the laws relating to education, which has remained in operation till now. Our system of education has, from its first introduction in 1852, been free and non-sectarian. At one time small grants were annually voted towards several sectarian schools, but for years before we entered confederation they had been withdrawn. This free non-sectarian character has been continued by the present act which repeals the law of 1868. Under this new law, the executive council, together with the chief superintendent of education, and the principal of our provincial college, constitute a board of education. The administration of the law will chiefly devolve upon the superintendent, who will have the assistance of a secretary, and of three inspectors of schools.

The duty of framing regulations for the efficient working of the law is cast upon the board; the government for the time being will, therefore, be directly responsible for the manner in which the law is carried out. The chief towns are severally erected into entire districts, and the trustees of the several school districts are constituted corporate bodies. The payment of the teachers' salaries is made to depend upon the class of license held by the teacher, the quality of the instruction imparted by him as reported by the inspector, and the maintenance of a specified average attendance at the school. Bonuses are payable after five years teaching, and the ordinary statutory salaries are supplemented by an additional grant from the treasury, equal to any amount up to a certain limit raised by local assessment. School accommodation, free of charge, is to be provided for all children between five and sixteen, irrespective of their creed, and all schools to be non-sectarian; a number of alterations and improvements unnecessary to specify, are also made. Special care and attention have been devoted to make the new act bear as equally as possible upon all classes of the community.

I have read the memorial from Bishop McIntyre to Lieutenant Governor Sir Robert Hodgson, dated 17th of April last, asking him, for certain reasons therein stated, to withhold his assent to the bill; which memorial, I am instructed, has been forwarded by the lieutenant governor to the secretary of state, Ottawa. I have also read a copy of the memorial addressed by Bishop McIntyre to the governor general, the Earl of Dufferin, asking him to delay assenting to this act until certain petitions against it are forwarded to him. The memorial to Sir Robert Hodgson sets out with the statement that, by the act of 1868 (31st Vic., chap. 6), provision was made for schools for the French-speaking portion of the population, etc. I can not but think his lordship has been very badly advised on this matter. The section 72 of that act, to which he refers, and which he assumes granted a privilege to a certain class of the community over and above the others, never was intended to do so, in its practical operation, did not, as I am informed by those best qualified to know, do so; and cannot, I respectifully submit, be in any way construed so as to enable any class to claim any privilege under it. It is the first time I have ever heard of such a construction being sought to be placed upon this section. The section merely entitles any teacher qualified to teach the French language, and actually engaged in teaching it to a class not less than ten, to receive £5 over and above the ordinary salary of his grade, provided the inhabitants of the district raise a similar sum of £5 by subscription among themselves. To prevent misunderstanding, I quote the section *verbatim:* "Any teacher, male or female, who shall, in addition to the qualifications required by this act, be qualified to teach the French language, and who shall have taught, in his school, French to a class of not less than ten pupils, shall, on producing from the board of education a certificate of his competency to teach the French language, be entitled to receive £5 over and above the salary to which such teacher may be entitled under this act, provided the trustees of such school district do raise the like sum of £5 for such teacher by voluntary subscription from the inhabitants; and provided further, that the number of teachers receiving the aforesaid increase of salary shall not amount to more than twenty."

This inducement to teachers to improve themselves by acquiring a knowledge of French, and teaching that language to their scholars, has no reference to any class. As a matter of fact the advantages of this section were not confined to either the teachers or the scholars of French nationality only, and any attempt to make it appear that the section conferred a legal right or privilege upon any class or creed must, in the light of the practical construction it has received, prove a total failure. His lordship, in his memorial, further goes on to assume that the repeal of this section will seriously injure, if not completely close, the separate French schools. The section has been taken advantage of to such a limited extent, that I fail to grasp the importance his lordship would attach to its repeal. What meaning is intended to be conveyed by the use of the term "separate schools," which, it is alleged, "have for so many years existed," I cannot say. The fact that the French portion of the population live in settlements or villages, by themselves, naturally resulted in their schools being separate in the sense of being attended solely by French children, such a result must, and will of necessity, continue under the new act. It is more than probable too, under the circumstances, that teaching in these schools was not strictly in conformity with the law; but, if it is intended, by the use of the term "separate schools," to convey the impression that the old law, either directly or indirectly, authorized or sanctioned any school as a separate school in the popular sense, in which the religious views or tenets of any religious body could legally be taught, or books, other than those authorized by the board of education, used, then I must emphatically dissent from any such proposition. His lordship assumes throughout his memorial that the French population had some right or privilege which the new act prejudicially affects. The existence of such a right or privilege I cannot for a moment admit, and during the long and protracted debates in the house of assembly on the introduction of the bill, and at its second and third readings, I have no recollection of any member even attempting to claim anything of the kind, although, after the third reading of the bill, it was proposed by a member of the house to introduce into the present bill a clause analogous to the one now under discussion. think, also, I am correct in saying that no newspaper in the colony has ventured

to make any such claim on behalf of the French population, and I am satisfied that, if made, it would astonish those who have for many years been engaged in administering the education laws of the province.

His lordship states that he rests the prayer of his petition upon his strict legal rights under the 93rd section of the British North America Act. The definition of a legal right under that section has already been judicially given by the privy council of Great Britain in *ex parte Renaud*, but I have gone at some length into the matter with the object of showing that there was neither moral or legal right in the claim now put forward.

The memorial to his excellency the governor general, deals almost entirely in generalities, but I cannot allow one statement to pass without remark. His lordship says: "The Roman catholics of this province are virtually marked out by exceptional legislation for heavy taxation, far over and above what must fall upon other religious denominations." To this serious charge I must submit, respectfully, my most positive denial. No sections or parts of the act are cited in its support, and I unhesitatingly affirm that none can. Being myself the draftsman, I may fairly be presumed to know what it contains, and I reiterate that no favour has been shown or allowed by it to any denomination or sect, but that all are placed upon an equal footing. The law does not, and will not, if allowed to go into operation, recognize or know any man's creed; it treats a man as a citizen, and as that only. I append copies of the rules and regulations under the old school act, which, although reprinted in 1876, and bearing that date upon them, are, I am assured by the secretary of the educational board, identical, in all respects, with those that have been in force prior to and since this province entered the confederation. I also enclose, for information, if required, copies of the authorized lists of school books, the only ones which could legally be used in the public schools. I am aware, however, the law in this latter respect has not, of late years, been strictly adhered to or enforced.

The act comes into operation on the first day of July next, 1877.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 22nd June, 1877.

To His Honour
The Lieutenant Governor of Prince Edward Island, Charlottetown.

SIR,—Adverting to my letters of the 6th and 9th instant, I have the honour to transmit to you, herewith, for the information of your government, and for report thereon, a copy of a letter addressed to his excellency the governor general by his lordship the bishop of Charlottetown, in further reference to "The Public Schools Act, 1877," passed during the last session of the Prince Edward Island legislature.

I also inclose three of the certificates or memoranda, and also a copy of the certificate of 442 of the inhabitants of Prince Edward Island, referred to in his lordship's letter, and to state that twenty-two other certificates similar to those first mentioned relating to other school sections have been submitted and are retained in this department.

I have to request that these memoranda may be returned.

I have, etc.,

R. W. SCOTT,
Secretary of State.

PROVINCE OF PRINCE EDWARD ISLAND,

GOVERNMENT HOUSE, 25th June, 1877.

The Honourable the Secretary of State.

SIR,—At the instance of my government, I have to request that the original petition against the Public School Act, 1877, with the signatures appended to it, may be transmitted to me for their inspection, as they entertain grave doubts whether the signatures are those of adult male inhabitants of this province.

My government allege that they are materially strengthened in these doubts, from the fact that no reference was made to the petition in the public press, or any public meetings called upon the subject, whilst the individual members of the government, residing, as they do, in different sections of the province, were entirely ignorant of any such petition being circulated for signature.

Care will be taken that the petition is preserved and returned. Should there be any insuperable objection, which my government cannot believe to exist, to the transmission of the original documents, then, they desire that a copy of the signatures attached to it may be forwarded.

Under the system established by the imperial government—before confederation—petitions against legislative enactments were required to be transmitted, through the lieutenant governor, thus affording the local government the opportunity of forwarding, with them, such remarks and observations as they might deem advisable, a system which, whilst doing ample justice to all, unquestionably prevented much unnecessary delay.

I have, etc.,

R. HODGSON,
Lieutenant Governo.

PROVINCE OF PRINCE EDWARD ISLAND,

GOVERNMENT HOUSE, 26th June, 1877.

The Honourable the Secretary of State, Ottawa.

SIR,—I have the honour to acknowledge the receipt of your despatch, no. 1161, on 735, of the 22nd instant, transmitting, for the information of my government and for report thereon, copy of a letter addressed to his excellency the governor general by his lordship the bishop of Charlottetown, in further reference to the Public Schools Act, 1877, also three of the certificates or memoranda, and also a copy of the certificate of 442 of the inhabitants of this province referred to in his lordship's letter, and stating that twenty-two other certificates similar to those first mentioned relating to other school sections, have been submitted and are retained in your department.

These documents, received this day, have been shown to the leader of my government, and, at his desire, I beg to request that you will be pleased to transmit a copy of the signatures, appended to the certificate, stated to be signed by protestants as well as catholics.

It is the intention of my government to meet in council on the 29th instant, when, I am assured by the leader, that their report, in reply to the memorials against the act, including those now acknowledged, will satisfactorily prove to his excellency the governor general that the grounds of opposition to the act are without foundation.

As desired, these memoranda shall be returned to your department.

I have, etc.,

R. HODGSON,
Lieutenant Governor.

Letter from Secretary Board of Education to President of Council.

EDUCATION OFFICE, CHARLOTTETOWN, 28th June, 1877.

HON. L. H. DAVIES.

SIR,—In answer to yours of 21st instant, I beg to reply as follows:—

1st. I have held the office of secretary of the board of education since the 10th of January, 1873.

2nd. During the time I have been secretary, it has not been considered by the board or contended by any parties before the board, that the schools of the Anglo-Rustico school district were in any sense separate or sectarian schools, or in any way different from the other public schools of the province, except in so far as they

occupied the same territory or nearly so, and were attended by children of English or French parentage, respectively.

3rd. The board of education has not at any time since my inception of office in 1873, exercised the powers conferred on it by the 104th section, and I can find no record of any such power having been exercised previous to the passing of the act of 1868.

4th. With reference more especially to the following school districts, viz.: Rustico and Hope River, in Queen's county; and Egmont Bay, Miscouche, Fifteen Point, Cascumpec and Tignish, I fail to find any evidence that the board has at any time divided or altered any of them under the 104th section of said act.

5th. During the time I have been in office, I have never heard or known of any school on this island receiving government aid, or being a public school, having any legal right to use books other than those authorized by the board of education.

6th. All teachers employed under the board of education are required to conform to the same rules and regulations, which regulations are, by order of the board, posted in all the schools.

I append a copy of those regulations.

I have, etc.,

DONALD McNEILL,
Secretary.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 30th June, 1877.

To his Honour The Lieutenant Governor of Prince Edward Island.

SIR,—In compliance with the request contained in your despatch, no. 26, of the 26th instant, I have the honour to transmit to you, herewith, a copy of the signatures appended to the petition, of which a copy was enclosed to in my letter of the 22nd instant in reference to "The Public Schools Act, 1877" of the province of Prince Edward Island.

I have, etc.

E. J. LANGEVIN,
Under Secretary of State.

DEPARTMENT OF SECRETARY OF STATE.

OTTAWA, 30th June, 1877.

To his Honour The Lieutenant Governor of Prince Edward Island.

SIR,—In compliance with the request contained in your despatch, no. 24, of the 25th instant, I have the honour to transmit to you, herewith, the original petition against the Public Schools Act, 1877, of Prince Edward Island, a copy of which was transmitted to you with my letter of the 9th instant, with the signatures appended to it.

I may state that the petition did not profess to be exclusively from the male population of the province of Prince Edward Island, nor was it so described in my letter inclosing a copy of it.

I have etc.,

R. W. SCOTT,
Secretary of State.

DEPARTMENT OF JUSTICE,

OTTAWA, 30th June, 1877.

I recommend that a communication be addressed by the secretary of state to the lieutenant governor of Prince Edward Island, calling his attention to the fact that the information from his attorney general referred to in his letter of the 12th instant, respecting the Public Schools Act, 1877, has not yet been received, and inti-

mating that, in accordance with a request from the attorney general of Prince Edward Island to the minister of public works, a decision upon the matter has been delayed pending the receipt of further communication. That it is therefore expected that no steps will be taken to actively enforce any of the provisions of the act which may interfere with the various schools which the Roman catholic bishop of Charlottetown claims to be Roman catholic denominational schools.

R. LAFLAMME,
Minister of Justice.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 30th June, 1887.

To his Honour The Lieutenant Governor of Prince Edward Island, Charlottetown.

SIR,—Referring to previous correspondence on the subject, I have the honour to draw your attention to the fact that the information from your attorney general referred to in your despatch of the 12th instant, respecting the Public Schools Act, 1877, of Prince Edward Island, has not yet been received, and to intimate to you that, in accordance with a request from that officer to the hon. minister of public works, a decision upon the matter has been delayed pending the receipt of further communication.

It is therefore expected that steps will be taken to actively enforce any of the provisions of the act which may interfere with the various schools which the Roman catholic bishop of Charlottetown claims to be Roman catholic denominational schools.

I have, etc.,
E. J. LANGEVIN,
Under Secretary of State.

CHARLOTTETOWN, P. E. I., 2nd July, 1877.

The Right Hon. the Earl of Dufferin,
Governor General of Canada in Council.

MY LORD,—I returned home on Saturday, 30th instant, from Ottawa and I have been so alarmed at the confident statements of the semi-official organs of the local government that it is your excellency's intention not to disallow "The Public Schools Act" that I cannot refrain placing before your excellency some considerations upon the reasons which the semi-official press urge in defence of the great wrong which I gather from their statements is to be done to my people.

It is stated that a pledge is to be taken by the local government that it (the latter) will procure the repeal of so much of the Public Schools Act as will work the injustice complained of.

I am not ignorant of the fact that the local legislature is sometimes requested to and does undertake to pass an act repealing some portions of its statutes which the minister of justice is of opinion are *ultra vires.*

On this subject I have consulted E. J. Hodgson, Esq., my legal adviser, and I inclose a communication I have received from him upon this point.

Mr. Hodgson makes it very clear that the cases in which the local legislature has repealed illegal sections of statutes are far otherwise than the case now under consideration.

But what presses upon me, and what I would respectfully ask your excellency is this:—What is to become of the Anglo-Rustico schools in the meantime? They are to be closed by law. The teachers, no longer paid, will go elsewhere. The scholars will be dispersed and their unfortunate parents will be fined and imprisoned if they do not send their children to schools where all else is permitted to be taught, save only Christianity. Where the apostles' creed is a forbidden formula, and the *pater noster* may be a forbidden prayer.

And it it urged that the French population must submit to this, and that a promise will be obtained from the local goverment to relieve them of the wrong and oppression which until our legislature next meets they are expected to submit to in silence. Is not the very fact of asking the local government to undo a wrong they have committed, an admission that a wrong has been committed which ought to be undone?

The 93rd section of the British North America Act gives me the right to appeal to your excellency against such a law as this. I have made that appeal, and I cannot bring myself to believe that your excellency will be advised to refrain from exercising the power given you by the constitution in order that there may be substituted in its stead that which the law does not recognize at all. For I fail to see in the British North America Act any statutory authority giving your excellency the power to demand from the local government the enactment of any law, or rendering any pledge given by the executive council, binding upon the government of a province. I am advised that this is a correct view of the law, and it seems to me to be too plain to admit of a single doubt.

But I feel bound to add one other remark. A "promise" and its "performance" are not synonymous terms.

The case is surely a plain one. Certain valued and delicate interests are by the British North America Act specially reserved to the protection of the Dominion government, and parliament. They are purposely withdrawn from the provincial legislature. These rights have been boldly invaded by the Prince Edward Island legislature. Can it be that your excellency will be advised to forbear from exercising the power which the constitution has entrusted to your excellency, and thus hand these interests to a tribunal from which the constitution has purposely withdrawn them.

My lord, the reasons which at the time of confederation prevailed to have clause 93 of the British North America Act enacted are well known. I consider, I am not alone in considering, that that clause partakes of the nature of a treaty. It was adopted for the protection of certain interests, very precious and very dear to both protestants and catholics. It is not too much to say that without it, confederation would never have been effected. It was foreseen that such a case as this might arise. To meet it the wise provision embodied in this clause was made part of the constitution. If now, when the rights of catholics are not only threatened but openly attacked, it is ignored, then every catholic from Cape Breton to Vancouver Island must and will feel he has been betrayed. The effects of such action cannot and will not be limited to the wronged inhabitants of Prince Edward Island. As a loyal citizen of this Dominion, I implore that such an unfortunate state of affairs may not be forced upon the country.

It has been said that if any part of the law is unconstitutional the court will afford a remedy. If this be our answer, then may we not complain that the appeal given to your excellency is nothing but an empty mockery? But, my lord, is it wise statesmanship to allow an act to go into force for the express purpose of giving rise to continual litigation, and all the ill-feeling that comes from litigation? This province has been for many years without this school law. It cannot do any great harm to any one if we continue as we were, for a few months longer. Then at its next session the legislature, less hasty in its action than it has been this year and having learned better the limits of its power, can pass a constitutional law. Such a law I would not venture to oppose, and we may look forward then to peace and quietness.

My lord, I cannot see the necessity for such desperate hurry that our rights must be taken from us, the country thrown into confusion, and the constitution be violated rather than that Prince Edward Island should for a few months longer retain a system of education which has been in operation for the last quarter of a century.

Further, these cases cannot be taken into court without great and heavy expense. Where is the money to come from? My people are poor, they have already by this act a triple tax laid upon them, and, my lord, am I to tell them that they are to submit to a great wrong or be heavily taxed in order to obtain justice? All my life

long I have endeavoured to keep out of the law, but those who have had much experience in it tell me that its great expense is only equalled by its great uncertainty.

To show, my lord, that I am not unreasonably suspicious of the influences which unfortunately are at work here, I shall state a fact which has come to my knowledge since my return.

Under the new law, Charlottetown is to have seven school trustees. Its population is about 10,000 of whom about 4,500 are catholics. Three of these trustees are appointed by the city, four by the government. The city has made its appointments, a catholic and two protestants. The government has made theirs, four protestants. I feel, my lord, that comment upon the above is needless.

I have, etc.,

PETER McINTYRE,
Bishop of Charlottetown.

PROVINCE OF PRINCE EDWARD ISLAND,

GOVERNMENT HOUSE, 5th July, 1877.

The Honourable the Secretary of State, Ottawa.

SIR,—I have the honour to acknowledge the receipt of your despatch, no. 1192, on 654 of the 30th ultimo, calling my attention to the fact, that the information from my attorney general, referred to in my despatch of the 12th instant, respecting the Public Schools Act, 1877, has not been received, and intimating that a decision upon the matter has been delayed; pending the receipt of further communication, at the request of the attorney general preferred to the honourable the minister of public works, and stating that "it is therefore expected that no steps will be taken to actively enforce any of the provisions of the act, which may interfere with the various schools which the Roman catholic bishop of Charlottetown claims to be Roman catholic denominational schools."

I mailed to you on the 3rd instant, a minute of my council, in reply to the various objections raised by the bishop, and other petitioners against the general provisions of the act, and also in reply to those objections specially relating to the schools called French Acadian schools, which minute affords the information referred to in my despatch of the 12th instant.

Having called the attention of the leader of my government to your despatch, I have been advised by him that the act does not require any immediate active steps to be taken by the government, with reference to the schools claimed as Roman catholic denominational schools, unless the people fail to elect trustees, and the chief superintendent is called upon under the act, to appoint them, but I am assured by him that, in so far as the government and their officials are concerned, they are quite satisfied that, in accordance with the expectation you express upon this point, no active interference should take place with these schools, until his excellency the governor general has had full opportunity for examining and considering the several documents and statutes forwarded at the instance of my government upon the subject.

I have, etc.,

R. HODGSON,
Lieutenant Governor.

PROVINCE OF PRINCE EDWARD ISLAND,

GOVERNMENT HOUSE, July, 1877.

The Honourable the Secretary of State, Ottawa.

SIR,—I have the honour to acknowledge the receipt of your despatch, no. 1191, on 735 of the 30th ultimo, transmitting a copy of the signatures appended to the petition against "The Public Schools Act" of this province, a copy of which was inclosed to me in your despatch of the 22nd ultimo.

I have, etc.,

R. HODGSON,
Lieutenant Governor.

PROVINCE OF PRINCE EDWARD ISLAND,

GOVERNMENT HOUSE, July, 1877.

The Honourable the Secretary of State, Ottawa.

SIR,—I have the honour to acknowledge the receipt of your despatch no. 1188 on 675 of the 30th ultimo, and of the original petition, with the signatures appended to it, against "The Public Schools Act, 1877," of this province, transmitted therewith.

I have, etc.,

R. HODGSON,
Lieutenant Governor.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, August 11th, 1877.

To the Hon. R. W. SCOTT, Secretary of State for Canada, Ottawa.

SIR,—Herewith I inclose printed regulations referred to in the letter of His Lordship Bishop McIntyre, of the 31st ultimo, which were then omitted to be forwarded.

I have, etc.,

EDWARD J. HODGSON.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, 31st August, 1877.

To the Hon. R. W. SCOTT, Secretary of State for Canada.

SIR,—I have the honour to enclose a communication to his excellency the governor general in council regarding "The Public Schools Act, 1877," which I beg may be laid before his excellency in council.

I have, etc.,

PETER McINTYRE,
Bishop of Charlottetown.

CHARLOTTETOWN, PRINCE EDWARD ISLAND, August 31st, 1877.

To His Excellency The Right Hon. the EARL OF DUFFERIN,
Governor General of Canada.

MAY IT PLEASE YOUR EXCELLENCY,—I beg your excellency's permission again to refer to "The Public Schools Act, 1877," and my many memorials to your excellency regarding it.

I have laid before your excellency in council evidence that the Acadian schools sought to be destroyed by this statute are protected by the British North America Act, and this evidence, I venture to say, is unanswerable.

I received from the minister of justice an assurance that, although a decision as to whether this measure was constitutional could not be come to by the 1st of July, yet "a communication had been addressed officially to the lieutenant governor, stating that it is expected that no steps will be taken to actively enforce any of the provisions of the bill which may interfere with the various schools which you claim to be Roman catholic denominational schools."

I hoped that the expressed wish of the federal government would not have been inoperative, but the executive of the province have refused to comply with the reasonable request of the minister of justice, and the consequence is that all the Acadian schools in the province are now closed.

My lord, I think I may with fairness claim that I have waited very patiently. I knew that my case was a righteous one and that the law was on my side, and that, moreover, I had and still have, as your lordship is not unaware, the open support and expressed sympathy of the whole episcopate of Canada.

I have hitherto endeavoured to quiet the alarm of my people and to still their agitation, for I was slow to believe that a great wrong would be done to the French people of my diocese.

But, my lord, my waiting has been in vain, for I have had no answer to my memorials and my prayer for justice has been as yet unheeded. Five months have elapsed since I forwarded my first petition, and my earnest hope, that the guaranteed rights of my people should not be destroyed, has been long delayed. *Spes quae differtur, affligit animam.*

My duty to my people calls for something more than patient waiting, but before passing to those active measures which, strong in the justice of my cause and in the moral support of right thinking people, I feel called upon to adopt, I desire to make one last appeal to that sense of justice which I am unwilling to believe the federal government will allow to be obscured by considerations of expediency.

The French people of my diocese have been deprived of the religious instruction which they have enjoyed for a quarter of a century, and which is guaranteed to them by the constitution of Canada, and I have hitherto uttered no word of complaint, except what has been submitted to your excellency through the ministers of the crown.

My lord, is it too much to ask that I may be permitted respectfully to request a decision upon this important matter? I am sure your excellency would not willingly prolong my great anxiety and the distress of my people. If it were for myself alone, or if private interests only were concerned, I should not press so strongly for a decision that we may at least know our fate. For I do not conceal from your excellency that I am most anxious to learn whether the sanction of our sovereign is to be given to a legislative enactment directed against the Roman catholic faith, and whether rights guaranteed by the constitution are to be taken away, notwithstanding the protest of those to whom those rights are very dear.

I have the honour to be, my lord,
Your excellency's most obedient servant,
PETER McINTYRE,
Bishop of Charlottetown.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 15th November, 1877.

His Honour the Lieutenant Governor of Prince Edward Island,
Charlottetown, P.E.I.

SIR,—I have the honour to transmit to you, herewith, for the information of your government, a copy of an order of his excellency the governor general in council, and of the report of the honourable the minister of justice therein referred to, on the subject of the act passed by the legislature of the province of Prince Edward Island, at the late session thereof, intituled "The Public Schools Act, 1877."

I have the honour to be be, sir,
Your obedient servant,
R. W. SCOTT,
Secretary of State.

OTTAWA, 12th November, 1877.

The committee of the privy council have had under consideration the report hereunto annexed, from the honourable the minister of justice, on the act passed by the legislature of the province of Prince Edward Island, at its last session, intituled "The Public Schools Act, 1877," and for the reasons therein given they respectfully advise that the said act be left to its operation, and that a copy of the said report and of this minute be transmitted for the information of the lieutenant governor of Prince Edward Island.

Certified,
W. A. HIMSWORTH,
Clerk Privy Council.

DEPARTMENT OF JUSTICE, OTTAWA, 8th, November, 1877.

In the last session of the local legislature of Prince Edward Island an act was passed entitled the Public Schools Act, 1877.

This act repeals all the previously existing laws on the same subject, and appoints a board of education, composed of a chief superintendent (to be appointed by the lieutenant governor), the members of the executive council, the principal of the Prince of Wales college.

This board is given power to establish normal schools, to appoint three inspectors, each county constituting an inspectoral district, to prescribe the qualifications for inspectors and their duties, and to provide for the uniform certification of all candidates for the same; to divide the province into school districts, and to create new districts or alter boundaries; to make regulations for the organization and the government and discipline of schools, for the classification of schools and teachers, and to appoint examiners of teachers, and to grant and cancel licenses; to prescribe text books and apparatus for the use of schools, books for school libraries.

The chief superintendent is to have, subject to the board of education, the supervision and direction of the inspectors and schools; to enforce the provisions of the act and the regulations and decisions of the board of education; to withhold all provincial aid from the districts presenting false or insufficient returns, etc., etc. The duties of the inspectors are to visit at least semi-annually each school; to examine the schools and school houses, and to ascertain if the provisions of the school law are there carried out and obeyed, etc., etc.

The act provides that the support of the schools is to come from local assessment and from assistance provided by the provincial treasury.

The act also regulates the salaries of teachers according to their qualifications; and section fifteen enacts that "No teacher shall receive from the provincial treasury the salary herein provided, according to his respective class or grade, unless the average daily attendance for the term during which he claims his salary shall be at least fifty per cent of the children of school age within the school district, and made so to appear to the chief superintendent's satisfaction; and if such average daily attendance shall be less than fifty per cent, a proportionate deduction shall be made from his salary for any deficiency."

Section 16 enacts: "In case such deduction shall at any time be made from any teacher's salary for the reason set forth in the preceding section, the chief superintendent shall cause the fact and the amount of the deduction to be certified to the trustees of the districts who shall forthwith upon the receipt thereof, levy an assessment upon the parties in the district, who have, by neglecting or refusing to send their children to school, caused the deficiency in the average attendance, and such assessment shall be distributed and paid in such proportions and amounts by such persons as the trustees in their absolute discretion may determine; but should it be proved to the satisfaction of the trustees that such deficiency was caused by sickness, or other unavoidable causes, the trustees shall in that case be, and they are hereby, authorized to levy an assessment on the district to meet such deduction in such manner as for other school purposes."

Section 40 enacts as follows: "All school districts, as registered at the time of the passing hereof by the board of education, are hereby declared to be established and confirmed as school districts until altered by the board of education, constituted by this act, and shall have all the rights and benefits of school districts to be established under this act, notwithstanding any errors, defects, or irregularities in the establishing or registration of the same."

By the act, trustees to be nominated at school meetings, called for the purpose, in each district, on the first Tuesday of July, in each year, shall decide what amount shall be raised for the support of teachers to supplement the sum provided by the province, and what sum shall be raised for the purchase of school houses, etc., and for general school purposes. Three trustees are to be appointed for each district.

Section 69 of the act regulates the conditions under which the board of trustees shall employ teachers, and the times for visiting schools.

Section 92 is as follows :—

"All schools conducted under the provisions of this act shall be non-sectarian, and the bible may be read in all such schools, and is hereby authorized, and the teachers are hereby required to open school on each school day with the reading of the sacred scriptures by those children whose parents or guardians desire it, without comment, explanation or remark thereupon by the teachers; but no children shall be required to attend during such reading, as aforesaid, unless desired by their parents or guardians."

After the passing of this bill, the right reverend the catholic bishop of Charlottetown presented to his honour the lieutenant governor, on the 17th April, 1877, a memorial requesting him to withhold his assent to the said bill on the ground that it interfered with the rights of the catholic community of the province as secured to them by the 93rd section of the British North America Act, 1867.

His honour the lieutenant governor declined to interfere with the carrying out of the bill, and transmitted this memorial to his excellency the governor general of the Dominion.

The grounds of the bishop's objections to the act are, in substance, that a system of separate schools existed by law at the time of the union of the island and the dominion of Canada, and that the right or privilege of the French-speaking portion of the queen's subjects in relation to education were seriously affected; that by the act chapter 6 of 31 Vic., sec. 72, provision is made for schools for the French-speaking population, directing the amount to be paid to their teachers over that paid to teachers of other schools; that this provision was repealed by the new act; and that the new bill will have the effect of closing the separate schools which, for many years, have existed among the French.

His lordship also addressed a memorial to his excellency the governor general setting forth that he believed that education should not be separated from instruction in the virtues of the Christian faith; that the catholics of the province had built and maintained schools based upon religious instruction; that the act alluded to required the existence of these schools; that the catholics could not withdraw their children from the schools they had erected at great expense; and would therefore be compelled to pay for schools in addition to those which they felt bound to support; that in addition to this, the statute introduced a new principle, establishing a penalty, by fine and imprisonment, on such of the catholics as would send their children to their own schools, specially referring to section 16 above cited, which inflicts a penalty for the non-attendance of children of school age within the school district; and complained of the loss of these schools and of the penalties inflicted on them as a consequence of non-attendance at a school established by law as a grievous wrong and an attack upon their faith; and asked for the interference of the governor general.

The attorney general of the province forwarded a representation in support of the act and in answer to the allegations of the bishop of Charlottetown, in which he stated in substance, that the system of education has always been, according to the law of the province, non-sectarian, that at one time small grants were voted annually towards several sectarian schools, but that, for years before confederation, they had been withdrawn, and that this non-sectarian character has been continued by the present act which repealed the law of 1868.

In answer to Bishop McIntyre, the attorney general states that he does not see that provision was made by the act of 1868 for schools for the French-speaking portion of the population, and that section 72 of that act does not bear this interpretation; that this section has been taken advantage of to a very limited extent throughout the province, and he denies that these schools have the character of separate schools in any way different from the schools established by the last act. He contends, at the same time, that these schools may continue under the provisions of this statute as formerly; that the provisions of the former act did in no way, directly or indirectly, sanction any school as a separate school in the sense in which religious views or tenets could legally be taught, or books used other than those authorized

by the board of education; that the French population had no right or privilege which the new act prejudicially affects.

The attorney general relies on the decision of the privy council in *ex parte Renaud* to show that there is no moral or legal right in the claim of the bishop and denies that the Roman catholics of the province are marked out by exceptional legislation for taxation over and above what must fall upon other religious denominations.

He incloses copies of the authorized list of school books, the only ones which could be legally used in a public school up to this time, admitting, however, that the law in this latter respect had not of late years been in any way strictly adhered to or enforced.

The executive council further submitted in support of the act a memorandum, dated 30th June, 1877, in which they make observations upon the statements contained in the petitions and memorials transmitted by his lordship the bishop of Charlottetown.

They deny that there ever existed separate denominational schools; that their existence was never asserted in the press or in the legislature as being supported at the public expense; that no such schools actually exist or have existed for many years. They admit that in the French schools, as well as in the Scotch and Irish schools, books have been used which were not authorized by the regulations of the board of education, but they contend that there existed no legal authority for the use of these books, and that their use was improper and illegal.

That the fundamental principle of their school law was exclusively non-sectarian. The memorial further states that the bill was discussed at length in the legislature without any haste in its passing, and that no protest or petition was ever presented, and that, during the lengthy debate which took place with respect to this bill, not a hint was given of the existence of these separate denominational schools.

The council observe that the catholic bishop in his petition assumes that the rights he claims are based solely upon the 72nd section of the act of 1868, which argument they say has been fully answered by the attorney general in his report. The council in answer to the complaint made by the bishop as to sections 15 and 16 of the act, claim the right of the legislature to enact such provisions as will secure the attendance of children at school and as are necessary for the proper securing of the objects of the act, and to levy the difference of amount which otherwise would have been obtained to pay the teachers' salaries. In order to disclaim any intention of attacking the Roman catholic section of the community, the memorial relies on subsection M of section 93, which they say is expressly enacted to meet the casses where any denominations of Christains, Roman catholics or protestants, have erected a school to participate in the public expenditure, provided it conforms in all respects to the public school rules and regulations during school hours.

The memorial denies absolutely the allegations contained in the petition of the bishop and of the catholics that there exists any class of demominational schools recognized by law known as the Anglo-Rustico schools, and that if they ever existed it was in defiance of the law and without the knowledge of the government, admitting, however, that the law, with respect to the books used in some of the schools attended by children of one denomination, had been, to a limited extent, evaded.

The council in its memorial allege that in the year 1875, a monster petition was presented to the legislature of the province, signed by Bishop McIntyre and about nine thousand Roman catholics in which they prayed the legislature to concede the very privileges they now boldly assert they at the time and for years before had legally possessed. A copy of this petition is forwarded with the memorial, showing, as they contend, that the catholics could not have supposed the existence of the rights they now profess to have.

They also refer to a parliamentary committee of the session of 1876, appointed to investigate into the educational law, who, by its report, showed that the law with respect to books, had not been complied with in the French Acadian schools, but without any affirmation of any legal rights as those claimed by the bishop.

To the argument used by the bishop, based upon the 39th section of the 15th Vic., chap. 13, that the Anglo-Rustico schools were first recognized and had certain rights guaranteed to them, which were recognized at the time of the passing of the act of 1868, 31 Vic. chap. 6, and sanctioned and legalized by the 103rd and 104th sections of that act; the council contend that these sections cannot bear such construction. That there exist no schools in the province known as the "Anglo-Rustico schools" or so called in any of the acts. That the school districts are registered by some particular name, one only of which is called and registered as the "Anglo-Rustico district" where the population are partly Acadian French and partly English. That these districts being very populous and one school being found insufficient, the legislature in 1864 by the 27th Vic., chap. 31, authorized the board of education to establish two schools in that district. That the statute required that the teacher should be a duly licensed district school teacher, and that both he and the trustees of the school should comply with all the provisions of the law relating to education. That the 7th section of this statute authorized the board to apply the same remedy to other districts found similarly circumstanced with the Anglo-Rustico district in imposing the same condition as to their establishment.

Such, acording to the memorandum, were the only reasons for establishing these schools in the Anglo-Rustico district, which were always subject to the regulations of the law, both as to licensed teachers and otherwise.

That the 103rd section of the act of 1868 was intended to continue and confirm that state of things, and the 104th section to allow the same remedy to districts similarly circumstanced. That these sections, 103 and 104 of the act of 1868, are nearly transcripts of sections 6 and 7 of the act of 1864 which was repealed by the act of 1868.

That such schools had no legal privilege with regard to the books, teaching or system of education different from the other schools.

That one of the provisions of the act, 1868, relating to district teachers, is that the books prescribed by the board of education shall be used, and that any school where the books, regulations and system of education prescribed by the school visitor shall not be used, shall be deprived of its allowance.

Referring to section 101, it is contended that no teacher can receive any pay until he produces certificates that the provisions of the act are, in all respects, being complied with. The regulations sanctioned by the board comprise the following:—

"No books of any kind shall be used in the school, except those approved of by the board of education from time to time." It is further alleged that no teacher has ever attempted under this act to claim his salary without producing the necessary certificates from the trustees of the district, that he has in all respects complied with the law. The secretary of the board of education certifies that no other school was ever established of this character, since the passing of the act, 1868. With reference to the mode in which the schools of the Anglo-Rustico district were in operation at the time the act was passed, the council state that they had not the character ascribed to them by the bishop.

The memorial affirms that they were not at that date in the same condition as in 1852, but that they had been by express legislation, swept away.

The act of 1852, in its 39th section, recognized the French Acadian schools in this respect only: That it allowed a French Acadian teacher, producing a certificate from the priest that he was member of his congregation and was capable of teaching certain branches, to receive a salary, but did not sanction the use of any but the prescribed books. On the contrary, the 51st section of that act directed that the board might withhold the allowance from any school not observing the books, regulations and system of education prescribed by it. In 1854 the education law was amended, and by the 29th and 30th sections, the French Acadian teachers had their salaries raised £5 a year, and were obliged to open English classes for instruction in reading, writing and arithmetic, failing which they were to be deprived of their allowance.

Next came a regulation of the board of education passed in 1857, proscribing all books but those authorized by the board, which regulation has ever since remained in force. In 1860 the law was again amended, and the 3rd section placed Acadian teachers, who passed the board of education examination, and received a certificate, and complied with the requirements of the law, on the same footing as other teachers. The 4th section of the same act provided that those Acadian teachers who refused to be re-examined should have their salaries reduced to £35 per annum.

The 10th section of the same act fixed the number forty as the total requisite number for each Acadian school and if the average daily attendance did not amount to eighteen, a deduction should be made from the teacher's salary.

In 1861 the education laws were consolidated, all previous acts being repealed. The clauses of the previous statutes relating to Acadian teachers were re-enacted. Those Acadian teachers who passed the board's examination were put on the same footing as all other teachers and those who could not pass the board were to receive a reduced salary (see sections 29, 31 and 32 of 24 Vic., chap. 36). The 37th section of the same act authorized the board to withhold allowance from any school in which the books, regulations and system of education prescribed by the board were not used and observed (see section 31 of 24 Vic., chap. 36). In 1863 the law was again amended by 26 Vic., chap. 5, the 31st and other sections of the act of 1861 recognizing the Acadian teachers as a distinct class were repealed, and by the 6th section of the act of 1863 the legislature declared that it was inexpedient to grant government support any longer to Acadian teachers as such, abolished them as a separate class and any special privilege they may have enjoyed.

The sections of the act of 1861 conferring privileges upon them were repealed and since that time the memorandum contends, that the Acadian teacher and Acadian schools as distinct from the ordinary schools, ceased to exist, and if mention is made in the act of 1868 of the Anglo-Rustico school, the only reason was that one school was frequented by the English speaking people and the other by the French. The only power which was left to the priest or clergymen after the passing of the act of 1868 was that of visitor, enjoyed by clergymen of all denominations, also by judges, magistrates and members of the legislature under section 53 of the act of 1868.

In conclusion the memorandum refers to the decision of the privy council in *ex parte Renaud* as confirming their position.

The above memorandum was communicated to the bishop for his observations, and in answer he states that he sees in the minute of council only three points:—

1. That the claim about the Acadian schools is a new one for it was not made in the legislature, nor in the press, nor in his memorial of the 17th April, 1877, to Sir R. Hodgson, nor in the catholic petition of 1875.

2. That clauses 15 and 16 of the Public Schools Act, 1877, are not unfair and oppressive.

3. That there are no Acadian separate schools recognized by law.

For the answer to the last two points he refers to the report of his solicitor which he appends; and on the first, in substance, he re-affirms the existence of those schools as being known to the whole community and to the executive council, which fact he supports by reference to the debates at the time of the passing of the bill. His lordship explains the absence in his petition to the lieutenant governor of the 17th April, 1877, of the grounds taken by him in his subsequent petition and memorial. His reasons are that the bill was being passed through hurriedly and he had but a short time to prepare his objections.

That he was denied a copy of the bill after repeated attempts to obtain one. On the fact alleged by the memorandum that the petition presented by him and his people, to the number of nine thousand, did not mention the existence of this new claim regarding the rights of catholics, his lordship states that he had no reason to mention this because it was then a well known fact and he asked by his petition to have a general system of education of sectarian principles, and that there was no necessity for calling the attention of the legislature to the then existing Anglo-Rustico school.

His lordship the bishop, in support of his proposition that these schools were, and were understood to be, and can easily be established to have been, denominational schools in accordance with the regulations of the Roman catholic church, transmitted an additional memorial with documents in support of his contention. He accompanies this memorial with twenty-five certificates by the teachers and trustees of the Anglo-Rustico schools, which state that these schools were distinct and denominational in their character. He also transmits a certificate, signed by 442 of the inhabitants of Prince Edward Island, in which they declare that these schools have always been considered such.

The report, accompanying the observations of his lordship, of his solicitor, contains in substance the following answer:—

As to sections 15 and 16 of the Public Schools Act, 1877, the solicitor asserts that no similar principle can be found in any anterior statute as imposing such unjust taxation on any portion of a community, referring to a minute of council which he annexes, showing that the previous laws levied the tax for the deficiency upon those parents who sent their children to school, whilst sections 15 and 16 of the present act levied the penalty upon those who do not (sec. 21, 17 Vic.)

The solicitor, in his report, in reply to the observations made as to the objection arising from sections 15 and 16 in the statute, states that the penalty imposed by these sections is not for the wilful cause of the absence of the children, but for the neglect or refusal of the parents, so that, whenever there is any school other than the public school, and the attendance of the latter falls below the average, the parents will send their children elsewhere, and, though already twice taxed, must pay again, and he states the object of this clause is directly levelled at the catholics, who alone in the island have a separate school.

On subsection M of section 93, he observes that this clause might be made in two places, viz., Charlottetown and Summerside, a means of conciliation, but that depends upon how it is worked, but by the act the working is left to the board of trustees, of which not one is catholic.

On the main question of the existence or non-existence of Acadian separate schools, the report, in addition to the facts alleged by the bishop, states that as to the Anglo-Rustico school, strictly speaking, this is the name of a district, though the Acadian schools would be known by that name. That it is not their legal designation, and although sections 103 and 104 of the act refer only to the two schools of that district, yet that they have an important bearing upon the position of all the Acadian schools. The whole evidence he relies upon reposes in the fact, which he states, that at one time these Acadian schools were recognized, the certificate of the parish priest being all that was required from the teacher. That afterwards changes were made in the qualification, etc., of the teachers. That from the time these schools were opened up to June, 1877, in all of them the priest constantly gave religious instruction and religious books were used. This was an open and notorious fact, in proof of which he refers to the certificates of teachers and trustees, and of catholic and protestant inhabitants of the district, which he states could be multiplied to any extent. Reference is also made by him to the report of Mr. Norman Stewart, visitor for Prince county, which states that "suitable elementary French reading books should be prescribed for the use of the French schools, about one-seventh of the school population of the county are French, their education must therefore be of considerable importance to the county. With the text books now used, especially the readers, thorough and progressive instruction is impossible. As soon as the alphabet is mastered, children are put in the Nouveau-Traité, a book which is altogether too difficult for beginners."

From this, the solicitor concludes that it is evident that these schools were separately and independently managed, the report having been made to the house of assembly by the government itself, two members of which are still connected with the government. The report asserts the statement that the teachers giving this special instruction and education received their salaries upon the certificates that the school had been taught according to law, with the observance of all presented regulations and with the use of all ordered books. The report further states

that the use of these books with the knowledge of the board, together with the exceptional teaching in these schools, amount to a legal recognition of their existence.

The report refers to the case of Ridsdale *vs.* Clifton *et al.*, as follows: What then, in a question of this nature, is the weight in law of such contemporaneous and continual usage?

Their lordships may take the answer to this question from the words either of Lord Campbell in Gorham's Bishop of Exeter (152 B, 73-74), or of Chief Baron Polloch in Pochin *vs.* Duncombe (1 H. & N. 856), or of Lushington in Westertin *vs.* Leddell (Moore Separate Report, 79).

To justify the prevalence of the usage with respect to schools, the report alleges, without any other evidence than that contained in the certificates previously produced, that at Rustico and many other Acadian districts, Acadian schools existed.

He further says that the legislation from 1852 to 1868, which abolished Acadian teachers as a separate class, does not touch upon the privileges of those schools, because, as he says, there is a wide difference between teachers and teaching, and does not believe that the changes affecting the status of the former necessarily change the nature of the latter.

The report further states that these schools have been "openly, uniformly, continuously and with authoritive sanction" existing, and were in existence at the time of confederation; that they were of a denominational character, and that, therefore, they are entitled to have this privilege restored to them by the repeal of the law which has deprived them of its advantages.

The question of constitutionality of this act rests upon the question whether the catholics of Prince Edward Island had, by law, when the province became part of confederation, a system of schools which may be qualified denominational which, under section 93 of the British North America Act, cannot be interfered with by any subsequent action of the provincial legislature.

This section provides: "In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provision:—

"(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.

"(2) All the powers, privileges and duties at the union by law conferred and imposed in upper Canada on the separate schools and school trustees of the queen's Roman catholic subjects shall be and the same are hereby extended to the dissentient schools of the queen's protestant and Roman catholic subjects in Quebec.

"(3) Where in any province a system of separate or dissentient schools exists by law at the union or is thereafter established by the legislature of the province, an appeal shall lie to the governor general in council from any act or decision of any provincial authority affecting any right or privilege of the protestant or Roman catholic minority of the queen's subjects in relation to education.

"(4) In case any such provincial law as from time to time seems to the governor general in council requisite for the due execution of the provisions of this section is not made, or in case any decision of the governor general in council on any appeal under this section is not duly executed by the proper provincial authorities in that behalf, then and in every such case, and as far only as the circumstances of each case require, the parliament of Canada may make remedial laws for the due execution of the provisions of this section and of any decision of the governor general in council under this section."

In order to render any law of the provincial legislature inoperative under this section, it is requsite that there should in such province have been at the union denominational schools, with respect to which certain classes of persons had rights or privileges and that these privileges should have been secured by law.

To determine this question it is necessary at once to consider what law was in force at the time of the union of Prince Edward Island, for the purpose of determining whether, within the meaning of subsections 3 and 4 of section 93 of the British

North America Act, the French or Roman catholics of Prince Edward Island had by such law any right or privilege with respect to such denominationol schools, and whether the last act prejudicially affects such rights and privileges.

By the laws of Prince Edward Island before the union, in 1868, a new system of education had been introduced and all anterior statutes were repealed. A board of education composed of eleven persons was appointed, and no schoolmaster or mistress was authorized to teach unless he or she received a license from the board after examination. Visitors were appointed for defined districts, and a board of five trustees for each district was to be selected by the inhabitants of such district. The law conferred on these trustees the power to assess householders being parents or guardians of children, and for the building or repairing of school-houses, section 72 (upon which his lordship the biship of Charlottetown relies in support of his contention), provided that a teacher who could teach French should receive £5 additional salary, provided the trustees of such school district raised that sum for such teacher by supplementary subscription. All school districts as then registered by the board of education previous to the passing of the act were established and confirmed as school districts, and entitled to all rights and benefits conferred by the act notwithstanding any want of form or irregularity whatsoever in the mode of establishing each district or any other proceeding. Every school teacher was required to transmit to the secretary of the board of education a notice stating the date at which he entered into his engagement, and the day of the opening of the school under his charge. The two most important clauses under this act bearing upon the question, and insisted upon as creating or recognizing separate or denominational schools are sections 103 and 104, which are as follows: "The two schools which were established, and are now in operation in the district known as the Anglo-Rustico district, on township number twenty-four, in this island (one school having been found insufficient to afford the means of education to all the children therein) shall be continued as now in operation, and the board of education are hereby authorized to divide and alter the said district in such way and manner as they may deem expedient, so as to meet the exigency of the case, anything herein contained to the contrary notwithstanding; provided always, that no teacher appointed to take charge of any such school or schools in the said Anglo-Rustico district, shall at any time be recognized as a district teacher or be entitled to a salary, unless such person shall have obtained a license as a first or second-class teacher from the board of education, and shall comply with the provisions of this act relating to district teachers.

"In case any other established school district in this island shall be found similarly circumstanced with the said district hereinbefore designated the Anglo-Rustico district, it shall be in the power of the board of education to apply the same remedy in relation thereto, by dividing or altering the same and establishing an additional school therein, as is mentioned and set forth in the last preceding section, in regard to the said Anglo-Rustico district, and with the like restrictions in all respects as therein prescribed in regard to the teacher of any such additional school, being a duly licensed teacher, and the trustees of his school shall conform in all respects to the provisions of this act."

The grounds urged by the bishop for the disallowance of this act amount to the proposition that the sections 103 and 104 recognize and allow the existence of schools under the name of Anglo-Rustico district schools which were denominational by toleration and usage. Upon a close examination of the sections referred to it is impossible to arrive at the conclusion that these schools were denominational by law, whatever may have been the course of instruction carried on in them.

I find no provision in the law which could be interpreted as warranting the exemption of these schools from the enactment applying to the schools generally. It must be observed that all previous laws were abolished by the statute of 1868, that the only provision which can be invoked in support of the proposition that the Anglo-Rustico schools were denominational, is that these sections 103 and 104 mention them and allow them to be continued as then in operation, but the reason mentioned for their continuance is not that they offered a different system of education but because one school was found insufficient to afford the means of education,

the law having established only one school for each district and this exception being made to apply merely to a certain territorial division, the board of education being authorized to divide and alter the district so as to meet the exigency of the case.

I find it impossible to discover in these two clauses anything which could justify the claim of the bishop to secure the right to denominational teaching in such schools, as the section itself declares that no teacher shall take charge of any such school in the Anglo-Rustico district and be recognized as a district teacher or entitled to a salary unless he shall have obtained a license from the board of education and shall comply with the provisions of the act relating to district teachers.

Consequently, if such teacher is subject to all the regulations imposed by the law upon other teachers, I cannot see how they can assert their independence of the general provisions of the statute. The latter portion of section 104 seems to repel the possibility of any such interpretation as suggested by the bishop.

When allowing trustees to establish other schools than those generally created by the statute in one district it reserves the same restrictions in regard to the teaching of such additional schools and binds the trustees to conform in all respects to the provisions of the act.

It, therefore, follows that even in the Anglo-Rustico district the teachers were bound to obtain their license and to comply with the provisions of the act. The trustees of such schools were also bound to conform in all respects to the law. The only reasons brought by the bishop's solicitor are, first, the fact that a different course of instruction was followed in these French schools, and secondly that the board of education and the public generally were aware of and sanctioned the system which was carried on independently of the provisions of the statutes.

This does not amount to a legal recognition of the existence of these schools.

The law having been passed in 1868, the time during which such a system was admitted or supposed to have been admitted cannot amount to a usage having the legal effect of repealing a positive statute. In other words, the learned gentlemen pretend that, because the law was suspended in some instances by trustees who were appointed and bound to see to its execution, this would be equivalent to a special provision in the statute allowing the existence of such schools, or a repeal of any provision which would prohibit the establishing of separate or independent schools. Such a proposition cannot be admitted as founded in law.

Taking for granted even the proposition of the bishop, that these schools were denominational in their teaching and in the course of education followed therein, with the tacit sanction of the trustees and board of education since the passing of the statute of 1868, this fact alone would not support the pretension that the last act should be disallowed. It would only establish, at most, the fact that, notwithstanding the positive enactments of the statute establishing a uniform system of education non-denominational in its character, a different system was tolerated. The provision of the constitutional act which secures to any province a system of separate or dissentient schools requires, as a condition of interference by the federal authority to maintain that privilege, that these schools should be separate or dissentient in their nature by virtue of the law existing at the date at which the province joined the union. It is not contended that there was any provision in any of the previous acts of the legislature of Prince Edward Island which secured to any sect the right of establishing an independent school. The bishop himself does not allege in his memorandum that such a provision existed in any of the statutes.

The reasoning of the argument of his solicitor would therefore be that, although there was not in existence any statutory provision empowering the catholic community to establish and maintain separate schools, and notwithstanding that there was in existence express statutory provision to the contrary, they could, because such schools had been virtually in operation, call on the federal government to prevent the legislature from establishing any regulation with respect to the schools generally without securing to them the right of maintaining separate and denominational schools.

Nothing can be found in the statutes that justifies such a proposition.

Reference has been made by the bishop to the law existing previous to 1868 in Prince Edward Island. The last statute on the subject previous to 1868 was chapter 36 of 24 Victoria, 1861. There, also, all provisions inconsistent with the enactment were abolished. A board of education was constituted to regulate the admission of teachers and the practice and system of education to be observed. This statute required also that every school teacher, whether Acadian or otherwise, should pass an examination by the board of education and receive a certificate of qualification. An exception, however, was made by the 31st section allowing admission of Acadian teachers, who had not been examined, to receive a reduced salary of £35, if he produced a certificate signed by the priest or clergyman of the district or parish wherein he taught, to the effect that he was capable of teaching and that he had taught the number of scholars required, and had instructed one English class for three months previous to the granting of such certificate.

Section 37 of the same act, however, declares that all schools claiming allowance to teachers under the act wherein the books, regulations and system of education prescribed, or to be prescribed by the school visitor and board of education to be observed, are not observed or adopted, shall, if the board think fit and make an order to that effect, be refused or deprived of such allowance until such time as such books, regulations and system of education shall be observed and adopted.

The preamble to this act states that the laws now in force establishing a system of free education in the island require consolidation and amendment.

Thus, so far back as 1861, the law did not recognize any system of separate and denominational schools, it is useless to go beyond that date, and it is impossible for the bishop to find in any provision from which could be inferred the right of any denomination to establish a separate or denominational school not under control of the board of education.

Great stress has been laid on section 15 as imposing an unjust tax upon the parents neglecting or refusing to send their children to the district school, thereby causing a deficiency in the average attendance, and leaving absolutely to the discretion of the trustees to determine the amount and to levy an assessment on the parties.

This provision I consider to be severe and giving somewhat arbitrary power to trustees in fixing the penalty and in the selection of the offenders. It confers the power of levying an additional tax at the discretion of the trustees. The previous laws give the right to the trustees to levy the amount of the deficiency on the district, which necessarily comprised those who complied with, and those who refused to submit to the law. If we are bound to consider the right of regulating education as absolutely appertaining to each province, except where the privilege of establishing separate schools existed by law, it must be admitted that they have equally the right to attach to the provisions of such laws the condition and penalties required to secure its object; however arbitrary or unjust the mode of enforcing it may appear, it would not seem proper for the federal authorities to attempt to interfere with the details or the accessories of a measure of the local legislature, the principles and objects of which are entirely within their province.

Inasmuch, however, as the provisions first referred to, which enable the trustees to levy the tax at their discretion, seem to depart, in a measure, from the well established principle that taxation should be certain and so far as possible equally distributed, I recommend that the attention of the lieutenant governor be called to such provisions with a suggestion that they should be amended to meet the objections mentioned, but for the reasons above set out I recommend that the act itself be left to its operation.

R. LAFLAMME,

Minister of Justice.

PROVINCE OF PRINCE EDWARD ISLAND,

GOVERNMENT HOUSE, 19th November, 1877.

Honourable the SECRETAY OF STATE, OTTAWA.

SIR,—I have the honour to acknowledge the receipt of your despatch, no. 1910, on 1170, of the 15th instant, transmitting for the information of my government, copy of an order of his excellency the governor general in council, and of the report of the honourable the minister of justice therein referred to, on the subject of the act passed by the legislature of this province at its late session, entituled "The Public Schools Act, 1877."

I have, etc.,

R. HODGSON,

Lieutenant Governor.

PROVINCE OF PRINCE EDWARD ISLAND,

GOVERNMENT HOUSE, 22nd February, 1878.

Honourable the SECRETARY OF STATE, OTTAWA.

SIR,—I have the honour to inform you, that I have this day returned to you, per book post, the original petition against the Public Schools Act, 1877, transmitted to me with your despatch, no. 1188, on 675, of the 30th June last.

I have, etc.,

R. HODGSON,

Lieutenant Governor.

RETURN

(40c)

To an ADDRESS of the SENATE, dated the 9th April, 1894, for copies of all school ordinances, school regulations and amendments thereto, adopted by the Legislative Assembly, the Executive, and any Board or Council of Education, in reference to the establishment, maintenance and administration of schools in the North-west Territories since 1885. Also for copies of all petitions, memorials and correspondence in reference thereto. Also for copies of all Orders in Council, reports to the Governor General in Council, and all communications and representations to the authorities in the North-west Territories.

JOHN COSTIGAN,

Secretary of State.

EDMONTON, N.W.T., 2nd November, 1893.

The Honourable the Secretary of State, Ottawa.

SIR,—I have the honour to enclose a petition to his excellency the governor general in council on behalf of the board of trustees of St. Joachim's Roman catholic separate school district, no. 7 of the North-west Territories.

I have, etc.,

N. D. BECK, *Chairman of the Board.*

To His Excellency the Governor General of Canada in Council.

The petition of the board of trustees of St. Joachim's Roman catholic separate school district, no. 7 of the North-west Territory, speaking, as well for themselves in their corporate and individual capacity, as for the other catholic ratepayers of the said school district humbly sheweth:

(1.) That the North-west Territories Act contains the following provisions with reference to education:—"The lieutenant governor by and with the advice and consent of the legislative assembly of the territories, shall pass all necessary ordinances in respect to education, but it shall therein always be provided, that a majority of the ratepayers of any district or portion of the Territories, or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether protestant or Roman catholic, may establish separate schools therein—and in such case the ratepayers establishing such protestant or Roman catholic separate schools shall be liable only to assessment of such rates as they impose upon themselves in respect thereof." (R. S. C., chap. 50, ss. 2 and 14.)

(2.) Until the 31st December, 1892, there was in force in the Territories an ordinance, passed in pursuance of the above mentioned provision of the North-west Territories Act, which contained the following provisions:—

"The lieutenant governor in council may appoint and constitute a board of education for the North-west Territories composed of eight members to hold office for two years and until their successors are appointed, five of whom shall be protestants and three shall be Roman catholics." (Revised Ordinance chap. 59, sec. 14.)

Provision was also made in the said ordinance prescribing the duties of the board of education in respect of all schools under their management. (Sec. 10.)

The said ordinance contained also the following provision:—

"The board of education shall resolve itself into two sections, the one consisting of the protestant, and the other of the Roman catholic members thereof, and it shall be the duty of each section:

"(*a*) To have under its control and management the schools of its section, and to make from time to time such regulations as may be deemed fit for their general government and discipline, and the carrying out of the provisions of this ordinance.

"(*b*) To select and prescribe a uniform series of text-books.

"(*c*) To appoint inspectors who shall hold office during the pleasure of the section appointing them.

"(*d*) To cancel the certificate of a teacher upon sufficient cause. (Sec. 11.)"

The said ordinance contained also the following provision:—

"Each section of the board shall have the selection of the text-books for the examination of teachers in history and science, and it shall have power to prescribe any additional subjects of examination for the teachers of the schools of its section, and in all examinations on such subjects the examiners of each section shall respectively have exclusive jurisdiction." (Sec. 13.)

(3.) The system indicated above for the management of the schools operated with entire harmony and to the general satisfaction of all connected with the active work of education in the Territories.

(4.) On the 31st December, 1892, there was passed by the legislative assembly of the territories ordinance no. 22 of 1892, intituled "Ordinance to Amend and Consolidate as Amended the Ordinances respecting Schools," whereby all previous ordinances relating to education were repealed.

The last mentioned ordinance contains the following provision:—

"The members of the executive committee, and four persons two of whom shall be protestants and two Roman catholics, appointed by the lieutenant governor in council shall constitute a council of public instruction, and one of the executive committee, to be nominated by the lieutenant governor in council shall be chairman of the said council of public instruction. The appointed members shall have no vote. (Sec. 5.)"

By the said ordinance there is vested in the council of public instruction not only the powers and authority which by the previously existing ordinance were vested in the board of education as a whole, but also the powers and authority thereby vested in each section thereof.

(5.) In pursuance of the power and authority conferred upon them by the said ordinance, the council of public instruction have promulgated certain regulations, of which one is to the effect, that, save in exceptional cases, no one can become a certificated professional teacher, entitled to conduct a public or separate school, without attendance at a normal school.

(6.) It is a well known fact, that the greater number and the more important number of the catholic schools are conducted by members of one or other of two religious orders of the catholic church, namely, The Faithful Companions of Jesus, and the Sisters of Charity, commonly known as the Grey Nuns. The former of these two orders, has for its object, and as the very reason of its existence the education of youth.

In consequence of its being composed of members from different countries, it necessarily possesses a varied and extensive amount of experience in the art of teaching besides the subjects are thoroughly trained in their own houses, before they are

allowed to teach. The grey nuns engaged in teaching in the territories, have also had many years of training, within their own communities, and much practical experience in the direction of schools. The rules of both these orders prohibit their members from living otherwise than in community, in a house of their order, and consequently make it practically impossible for them to comply with the regulations of the council of public instruction, enjoining attendance at the normal schools.

(7.) Another of the said regulations of the council of public instruction imposes a uniform course of instruction and a uniform selection of text-books, alike for all schools whether public, protestant or catholic. As to such a regulation, it is impossible that it can meet with the approbation of both protestants and catholics. The text-books now prescribed are in many instances of a character highly objectionable to catholics, either by asserting many things, which they have always repudiated, or by entirely ignoring, greatly minimizing or misrepresenting the part that the catholic church and her members have played in history, in all departments of science and literature, lastly by propagating religious and philosophical theories of which catholics disapprove.

(8.) No provision is made in the said ordinance for catholic separate normal schools, and the text-books prescribed for use in the normal schools are open to the same objections as are hereinbefore made to the text-books prescribed for use in the ordinary schools for children.

(9.) The effect of the said ordinance especially by means of the said regulations passed in pursuance thereof, is to deprive the catholic separate schools of that character which distinguishes them from public or protestant schools, and to leave them catholic separate schools in name only, and such, it is admitted, is its obviously necessary effect.

(10.) The passage of the said ordinance was strenuously opposed in the name of the catholic minority during its consideration by the legislative assembly.

(11.) The Rev. H. Leduc, O.M.I., vicar general of the catholic diocese of St. Albert, in the North-west Territories, in the name and on the behalf of the catholic population of the Territories, both clerical and lay, lately brought to the notice of the council of public instruction the objections of catholics to these new laws and requested their repeal, but no reply has been made to this request.

(12.) For the reasons aforesaid, your petitioners protest and declare concerning the said school ordinance no. 22 of 1892, of North-west Territories, and the regulations of council of public instruction made in pursuance thereof.

(*a*) That the said ordinance, and the said regulations prejudicially affect the rights and privileges of your petitioners, and all other of her majesty's catholic subjects in the Territories, in relation to education.

(*b*) That if the said ordinance be not disallowed, or repealed, or amended, so as to give to the representatives of the catholic minority the management and control of catholic schools so far as regards their general government and discipline, the selecting and prescribing of the text-books for use therein, the inspection of schools, and the granting or cancelling of teachers' certificates, the said ordinance will cause a great disturbance of peace and harmony among her majesty's catholic and protestant subjects within the Territories, and in the other parts of the Dominion.

(*c*) That the disallowance, repeal or amendment, in the respects above mentioned of the said ordinance, is necessary to prevent an unjust infringement of the natural and moral rights of the catholics in the Territories.

(*d*) That the said ordinance, inasmuch as it places in the hands of non-catholics the absolute control and management of catholic separate schools to such an extent that such persons are enabled, as they have actually done, to obliterate almost wholly the distinction between catholic and other schools, surpasses in spirit, intention and effect the powers of the legislative assembly in relation to education.

(13.) Your petitioners point out that it will be practically impossible for the legislative assembly of the Territories to repeal or amend the said ordinance before the expiration of the time within which your excellency is authorized by the 17th section of the North-west Territories Act to disallow ordinances of the legislative assembly. Therefore, your petitioners humbly pray—

(1.) That your excellency may be pleased to disallow ordinance no. 22 of 1892, of the North-west Territories.

(2.) Alternatively, your petitioners appeal to your excellency in council from the said ordinance and from the regulations of the council of public instruction passed in pursuance thereof, and pray that the legislative assembly and the council of public instruction be ordered and directed to repeal or amend the said ordinance and regulations, so as to eliminate therefrom the provisions thereof above objected to, and that such further and other relief in the premises may be rendered as the circumstances may require and admit.

And, as in duty bound, your petitioners will ever pray.

The board of trustees of St. Joachim's Roman catholic separate school, district no. 7, North-west Territories.

W. D. BECK, *Chairman.*
S. LARUE, *Secretary and Trustee.*
J. G. FAIRBANKS, *Trustee.*

EDMONTON, 2nd November, 1893.

ST. BONIFACE, 7th November, 1893.

To the Honourable the Secretary of State, Ottawa.

HONOURABLE SIR,—Herewith is enclosed a petition to the governor general of Canada in council from the board of trustees of St. Joachim's separate catholic school district no. 7 of the North-west Territories. I fully endorse that petition and I hope that the government will see its way to remove, by disallowance, the ordinance spoken of.

Experience shows that delay in such a matter merely renders more difficult the remedy of the exit.

My diocese extends over most of Assiniboia and it is in the name of the catholics under my episcopal care that I apply for protection against the injuries of which they have to suffer.

I pray, therefore, that you will lay my request before the governor general in council along with the petition of the board of trustees for St. Joachim's school district.

With the utmost respect and esteem,

I remain,

† ALEX. *Arch. of St. Boniface, O.M.I.*

CERTIFIED COPY *of a report of a committee of the honourable the privy council, approved by his excellency the governor-general in council on the 6th December, 1893.*

The sub-committee, to whom was referred a communication, hereto attached, dated 2nd November, 1893, from the chairman of the board of trustees of St. Joachim's Roman catholic separate school district no. 7 of the North-west Territories, enclosing petition relative to certain ordinances of the North-west Territories respecting education, recommend that a copy thereof and of the petition therein referred to be transmitted to the lieutenant governor of the North-west Territories for the consideration of his government.

The committee submit the above recommendation for your excellency's approval.

JOHN J. McGEE, *Clerk of the Privy Council.*

GOVERNMENT HOUSE,

REGINA, 18th December, 1893.

The Honourable the Secretary of State, Ottawa.

SIR,—I have the honour to acknowledge receipt of your despatch of the 11th instant, enclosing therewith copy of a communication dated the 2nd November

ultimo, from the chairman of the board of trustees of St. Joachim's Roman catholic school district no. 7 of the North-west Territories, covering a petition relative to certain ordinances of the Territories and to state that the same will receive attention.

I have, etc.,

C. H. MACKINTOSH,
Lieutenant Governor of N. W. T.

St. Boniface, 15th November, 1893.

To His Excellency the Governor General in Council.

May it Please Your Excellency,—I herewith enclose four petitions marked *a, b, c, d.*

(*a*) A petition in the name of his lordship the Right Reverend Bishop Grandin.

(*b*) A petition from the trustees of the Roman catholic public school district of St. Albert, no. 3.

(*c*) A petition from the trustees of the Roman catholic public school district of Cunningham, no. 5.

(*d*) A petition from the trustees of the Roman catholic public school district of St. Leon.

These four petitions have been sent to me with the demand of forwarding them to his excellency the governor general in council.

I join my humble request to that of the petitioners to pray that a remedy should be applied to the inconveniences complained of. The intention of depriving the catholics of their rights in matters of education and of abolishing the official use of the French language, specially in the schools, is so manifest that, unless it is checked at once the injustice will be perpetrated.

Surely it cannot be the will of his excellency the governor general in council to permit such a violation of the law which has organized the Territories.

I hope, therefore, that the ordinances and regulations complained of will be disallowed, and

Your petitioner shall always pray,

† ALEX. *Arch. of St. Boniface, O.M.I.*

Similar petitions from the bishop of St. Albert and the trustees of the following districts.

(*a*) A petition in the name of His Lordship the Right Reverend Bishop Grandin, Vital J. Grandin, Bishop of St. Albert, J. J. M. Lestanc, O.M.I., Administrator, R. Lacombe, Vicar-General, O.M.I., H. Leduc, O.M.I., Vicar-General.

St. Albert, Alberta, N.W.T., 4th November, 1893.

(*b*) A petition from the trustees of the Roman catholic public school district of St. Albert, no. 3. H. W. McKenny, Chairman, E. Brosseau, N. Morin.

St. Albert, Alberta, N.W.T., 4th November, 1893.

(*c*) A petition from the trustees of the Roman catholic public school district of Cunningham, no. 5. J. Cunningham, Chairman, J. Courtepatte, Secretary.

St. Albert, Alberta, 6th November, 1893.

(*d*) A petition from the trustees of the Roman catholic public school district of St. Leon. Geo. Gagnon, Chairman, Napoléon Thibaudeau, Secretary-Treasurer.

St. Albert, Alberta, N.W.T., 4th November, 1893.

Certified Copy *of a report of a committee of the honourable the privy council, approved by his excellency the governor general in council on the 6th December,* 1893.

The sub-committee of the privy council have had under consideration a communication, hereto attached, dated 15th November, 1893, from his grace the archbishop of St. Boniface, enclosing the following five petitions, relative to certain ordinances of the North-west Territories respecting education:—

(*a*) A petition in the name of his lordship the Right Reverend Bishop Grandin.

(*b*) A petition from the trustees of the Roman catholic public school district of St. Albert, no. 3.

(*c*) A petition from the trustees of the Roman catholic public school district of Cunningham, no. 5.

(*d*) A petition from the trustees of the Roman catholic public school district of St. Leon.

(*e*) A petition from the archbishop of St. Boniface, conveying and endorsing the humble prayer of the four others.

The sub-committee recommend that a copy of the above mentioned communication, together with copies of the several petitions therein referred to, be transmitted to the lieutenant governor of the North-west Territories for the consideration of his government.

The committee submit the above recommendation for your excellency's approval.

JOHN J. McGEE,

Clerk of the Privy Council.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 12th December, 1893.

His Honour the Lieutenant Governor of the North-west Territories.

SIR,—His excellency the governor general having had under his consideration in council five petitions, transmitted with a communication dated 15th of November, 1893, from his grace the archbishop of St. Boniface, relative to certain ordinances of the North-west Territories respecting education, I have now to transmit to your honour for the information of your government, pursuant to an order made by his excellency on the 6th ultimo, a copy of the communication above mentioned, together with copies of the said five petitions.

I have, etc.,

L. A. CATELLIER,

Under Secretary of State.

ST. BONIFACE, 22nd November, 1893.

To the Honourable the Secretary of State, Ottawa.

HONOURABLE SIR,—Herewith find enclosed five petitions marked, *a*, *b*, *c*, *d*, *e*.

(*a*) A petition of the trustees of Lacoombe Roman catholic separate schools no. 1, of the North-west Territories.

(*b*) A petition of the board of trustees of Prince Albert Roman catholic separate school district no. 6 of the North-west Territories.

(*c*) A petition of the trustees of McLeod Holy Cross Roman catholic separate school, no. 8, of the North-west Territories.

(*d*) A petition of the board of trustees of St. Patrick's Roman catholic school district, no. 11, of the North-west Territories.

(*e*) A petition of the trustees of St. Agnes Roman catholic public school no. 18, of the North-west Territories.

I humbly and earnestly request that you will lay these petitions before the governor general in council at the earliest possible date and that you will kindly support them.

With respect and esteem, I remain,

† ALEX., *Arch. of St. Boniface, O.M.I.*

Similar petitions from the board of trustees of the following districts :—

(*a*) A petition of the trustees of Lacombe Roman catholic schools, of the North-west Territories.

J. W. COSTELLO, *Chairman.*
J. R. MIQUELON, *Secretary.*
WILLIAM CARVELL, *Trustee.*
J. J. LESTANC, *Trustee.*
E. H. ROULEAU, M.D., *Trustee.*
J. S. FEEHAN, *Trustee.*

Calgary, 8th November, 1893.

(*b*) A petition of the board of trustees of Prince Albert Roman catholic separate school district of the North-west Territories.

HENRY LACROIX, *Chairman.*
O. ST. DENIS, *Trustee.*
G. R. RUSSELL, *Trustee.*
L. SCHMIDE, *Trustee.*

(*c*) A petition of the trustees of McLeod Holy Cross Roman catholic separate school no. 8, of the North-west Territories.

T. H. STEDMAN, *Chairman.*
JOHN RYAN, *Secretary.*
CHARLES RYAN, *Trustee.*

McLeod, 8th November, 1893.

(*d*) A petition of the board of trustees of St. Patrick Roman catholic school district no. 11, of the North-west Territories.

CHARLES BYRNE.
JOSEPH SMITH.
DENIS BRADLEY.

Prince Albert, 17th November, 1893.

(*e*) A petition of the trustees of St. Agnes Roman catholic public school no. 18, of the North-west Territories.

CHARLES SMITH, *Chairman.*
R. BEAUVAIS, *Trustee.*
W. J. MACDONALD, *Secretary.*
LUDGER GAREAULT, *Treasurer.*
CUTHBERT GERVAIS, *Trustee.*

Pincher Creek, Alberta, N.W.T., 20th November, 1893.

CERTIFIED COPY *of a report of a committee of the honourable the privy council, approved by his excellency the governor general in council on the 6th December,* 1893.

The sub-committee of the privy council have had under consideration a communication, hereto attached, dated 22nd November, 1893, from his grace the archbishop of St. Boniface, enclosing the following five petitions relative to certain ordinances of the North-west Territories, respecting education :—

(*a*) A petition of the board of trustees of Prince Albert Roman catholic separate school district no. 6 of the North-west Territories.

(*b*) A petition of the board of trustees of Lacombe Roman catholic separate school no. 1 of the North-west Territories.

(*c*) A petition of the trustees of McLeod Holy Cross Roman catholic separate school no. 8 of the North-west Territories.

(*d*) A petition of the board of trustees of St. Patrick's Roman catholic school district no. 11 of the North-west Territories.

(*e*) A petition of the trustees of St. Agnes Roman catholic public school no. 18 of the North-west Territories.

The sub-committee recommend that a copy of the above mentioned communication together with copies of the several petitions therein referred to, be transmitted to the lieutenant governor of the North-west Territories for the consideration of his government.

The committee submit the above recommendation for your excellency's approval.

JOHN J. McGEE,
Clerk of the Privy Council.

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 14th December, 1893.

His Honour the Lieutenant Governor of
the North-West Territories, Regina, N.W.T.

SIR,—I have the honour, by command of his excellency the governor general in council, to transmit to you, herewith, for the consideration of your government copy of a letter from his grace the archbishop of St. Boniface, enclosing the five petitions therein mentioned relative to certain ordinances of the North-west Territories respecting education.

I have, etc.,
L. A. CATELLIER,
Under Secretary of State.

ST. BONIFACE, 1st December, 1893.

To the Honourable the Secretary of State, Ottawa, Ont.

HONOURABLE SIR,—Herewith find enclosed two petitions addressed to his excellency the governor general in council and marked *a* and *b*.

(*a*) A petition of the board of trustees of St. Vital's Roman catholic separate school district, no. 11, of the North-west Territories.

(*b*) A petition of the Stobart Roman catholic separate school district, no. 8, of the North-west Territories.

I respectfully request that you should, as soon as possible, present such petition and support them before his excellency.

I remain, etc.
† ALEX., *Archbishop of St. Boniface, I.O.M.*

Similar petitions from the board of trustees of the following districts :—

(*a*) A petition of the board of trustees of St. Vital's Roman catholic separate school district, no. 11, of the North-west Territories.

R. PRINCE, *Chairman.*
W. LATOUR.
G. DENAU.

(*b*) A petition of the Stobart Roman catholic separate school district, no. 8, of the North-west Territories.

LOUIS PARENTEAU, *Chairman.*
BERNARD PAUL, } *Trustees.*
EUGÈNE BRUNELLE, }
CHAS. FISHER, *Witness.*

CERTIFIED COPY *of a report of a committee of the honourable the privy council, approved by his excellency the governor general in council on 13th December*, 1893.

The sub-committee of the privy council have had under consideration a communication, hereto attached, dated the 1st December, 1893, from his grace the archbishop of St. Boniface, enclosing the undermentioned petitions relative to certain ordinances of the North-west Territories, respecting education.

(*a*) A petition of the board of trustees of St. Vital's Roman catholic separate school district, no. 11, of the North-west Territories.

(*b*) A petition of the Stobart Roman catholic separate school district, no. 8, of the North-west Territories.

The sub-committee recommend that a copy of the above mentioned communication, together with copies of the petitions referred to, be transmitted to the lieutenant governor of the North-west Territories for consideration.

The committee submit the above recommendation for your excellency's approval.

JOSEPH POPE,
Asst. Clerk of the Privy Council.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 16th December, 1893.

His Honour
The Lieutenant Governor of the North-west Territories,
Regina, N.W.T.

SIR,—I have the honour, by command of his excellency the governor general in council, to transmit to you, herewith, for the consideration of your government copies of two petitions mentioned therein relative to certain ordinances of the North-west Territories respecting education.

I have, etc.,

L. A. CATELLIER, *Under Secretary of State.*

ST. BONIFACE, 6th December, 1893.

To the Honourable the Secretary of State, Ottawa.

HONOURABLE SIR,—Enclosed find two petitions which I respectfully ask you to present, as soon as possible, to his excellency the governor general in council.

They are marked *a* and *b*.

(*a*) A petition of the board of trustees of Saskatchewan Roman catholic public school district, no. 2, of the North-west Territory.

(*b*) A petition of the board of trustees of St. Anthony of Padoua's Roman catholic separate school district of the North-west Territories.

With respect and esteem, I remain,

ALEX., *Arch. of St. Boniface.*

Similar petitions from the board of trustees of the following districts :—

(*a*) A petition of the board of trustees of Saskatchewan Roman catholic public school district, no. 2, of the North-west Territory.

THEOPHILE LAMOUREUX, *Chairman and Secretary.*
ALCIBIADE LAMOUREUX.
S. H. PARADIS, *Treasurer.*

Fort Saskatchewan, Alberta, N.W. T., 7th November, 1893.

(*b*) A petition of the board of trustees of St. Anthony of Padoua's Roman catholic separate school district of the North-west Territories.

EDOUARD DUMONT.
XAVIER LETENDRE.
LOUISON LETENDRE.

CERTIFIED COPY *of a report of a committee of the honourable the privy council, approved by his excellency the governor general in council on the 13th December*, 1893.

The sub-committee of the privy council have had under consideration, a communication hereunto attached, from his grace the archbishop of St. Boniface, dated 6th December, 1893, enclosing the undermentioned petitions relative to certain ordinances of the North-west Territories respecting education.

(*a*) A petition of the board of trustees of Saskatchewan Roman catholic public school district no. 2 of the North-west Territories.

(*b*) A petition of the baard of trustees of St. Anthony of Padoua's Roman catholic separate school district of the North-west Territories.

The sub-committee recommend that a copy of the above mentioned communicaton, together with copies of the petitions therein referred to, be transmitted to the lieutenant governor of the North-west Territories for consideration.

The committee submit the above recommendation to your excellency's approval.

JOSEPH POPE,
Assistant Clerk of the Privy Council.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 18th December, 1893.

His Honour the Lieutenant Governor of the North-west Territories, Regina.

SIR,—I have the honour, by command of his excellency the governor general in council, to transmit to you herewith, for the consideration of your government, copies of the two petitions therein mentioned, having reference to certain ordinances of the North-west Territories respecting education.

I have, etc.,

L. A. CATELLIER, *Under Secretary of State.*

ST. BONIFACE, 12th December, 1893.

To the Honourable the Secretary of State, Ottawa, Ont.

HONOURABLE SIR,—Would you be kind enough to lay, as soon as possible, before his excellency the governor general in council, the enclosed petition marked *a*, being a petition of the board of trustees of Lebret Roman catholic school district, no. 12, of the North-west Territories.

With respect and esteem, I remain, etc.,

† ALEX., *Arch. of St. Boniface, O.M.I.*

Similar petition marked *a* from the board of trustees of Lebret Roman catholic school district no. 12, of the North-west Territories.

JOHN LYNCH, *Chairman.*
ALEXANDRE GOYER, *Trustee.*
JOSEPH POITRAS do

8th December, 1893.

GOVERNMENT HOUSE, REGINA, 30th December, 1893.

The Honourable the Secretary of State, Ottawa.

SIR,—I have the honour to acknowledge the receipt of your despatches, dated respectively the 13th, 14th, 16th and 18th instants, enclosing copies of several petitions, which have been addressed to his excellency the governor general in council, in reference to certain ordinances of the North-west Territories respecting education.

I have referred these several communications to the executive committee, and am informed that a reply is now being prepared by Mr. Haultain, the chairman of the committee, which will be ready for transmission in a few days.

I have, etc.,

C. H. MACKINTOSH,

Lieutenant Governor of the North-west Territories.

ST. BONIFACE, 19th December, 1893.

To the Honourable the Secretary of State, Ottawa, Ont.

HONOURABLE SIR,—Enclosed herewith find a petition marked *a*, which I trust you will present as soon as possible to his excellency the governor general in council.

It is a petition of the board of trustees of St. Joseph of Dauphinais Roman catholic school district, no. 15 of the North-west Territories.

With respect and esteem, I remain, etc.,

† ALEX. *Arch. of St. Boniface, O.M.I.*

Similar petition from the board of trustees of St. Joseph de Dauphinais' Roman catholic school district no. 15 of the North-west Territories.

MOISE DAZÉ, *Chairman.*
JOHN BEAULIEU, *Trustee.*
HILAIRE BOUCHER, "
J. N. BRUNET, *Secretary.*

File Hills, 11th December, 1893.

ST. BONIFACE, 28th December, 1893.

To the Honourable the Secretary of State, Ottawa, Ont.

HONOURABLE SIR,—Herewith find enclosed two petitions, marked *a* and *b*, which I take the respectful liberty to ask you to present, as soon as possible, to his excellency the governor general in council, and to support them.

Petition *a* is from the board of trustees Charlebois Roman catholic separate school no. 37 of the North-west Territories.

Petition *b* is from the board of trustees of Fish Creek's Roman catholic separate school district of the North-west Territories.

I remain with respect and esteem, yours, etc.,

† ALEX. *Arch. of St. Boniface, O.M.I.*

(*a*) A petition from the board of trustees Charlebois Roman catholic separate school no. 37 of the North-west Territories.

FRANCOIS SAGIS, *Trustee.*
ALEXANDRE DUSSION, "
EDOUARD CADOTTE, "
O. CHARLEBOIS, *O. M. I., Secretary.*

Cumberland, Sask., N. W. T., 9th December, 1893.

(*b*) A petition from the board of trustees of Fish Creek's Roman catholic separate school district of the North-west Territories.

BONIFACE LEFORT,
PAUL DESJARLAIS,
XAVIER FEDLER,

Trustees of the School of St. François de Taché.

GOVERNMENT HOUSE, REGINA, 5th January, 1894.

The Honourable the Secretary of State, Ottawa.

SIR,—In continuation of my letter of the 30th ultimo I have now the honour to enclose you herewith, for submission to his excellency the governor general in council, reply prepared by Mr. F. W. G. Haultain, on behalf of the executive committee, to the various petitions addressed to his excellency in reference to certain ordinances of the territories respecting education.

I have, &c.,

C. H. MACKINTOSH,
Lieutenant Governor of the North-west Territories.

LEGISLATIVE ASSEMBLY, REGINA, N.W.T., 4th January, 1894.

His Honour the Lieutenant Governor
of the North-west Territories, Regina.

SIR,—On behalf of the executive committee, I have the honour to submit the following statement in reply to the several petitions to his excellency the governor general in council, praying for the disallowance of ordinance no. 22 of 1892, referred by your honour to the committee for their consideration. As all the petitions appear to be practically alike, I shall throughout this statement cite the petition of the bishop of St. Albert.

As the petitions request the disallowance of the ordinance of 1892, it might be well to consider, whether the state of affairs complained of, will be remedied by the disallowance of an ordinance, which, so far as the more important points in question are concerned, is largely a re-enactment of earlier legislation which has been allowed to go into operation.

For this purpose, I shall make a short comparative statement of the law and regulations as they existed prior to the ordinance of 1892 and as they exist to-day. I shall not go into the details of the law, but confine my remarks to—1. The training and licensing of teachers; 2, inspection; 3, text-books; as our action in regard to these subjects seems to be that which is complained of.

1. Training and licensing of teachers.

By sub-section 6 of section 10 and section 12 of chapter 59 of "The Revised Ordinances, 1888," the general examination of and licensing of teachers was vested in the whole board of education and not in the sections of the board.

The board of education was composed of five protestant and three Roman catholic members. The bishop of St. Albert in his petition is therefore asking for something which has not been possessed by the Roman catholic section of the board for five years and asks for the disallowance of the ordinance of 1892 because it re-enacts what has been practically on our statute book for more than five years.

Section 7 of the amending ordinance of 1891-92, allowed each section of the board of education to prescribe text-books in history and science, *i. e.*, controversial subjects.

The practical necessity for this safeguarding clause may be estimated by a reference to the action of the board of education and its sections on the suggestion of the Reverend Father Leduc, then a member of the board (see exhibit "A," Father Leduc's letter and its result, exhibit "B," Regulations of the Board of Education of 3rd September, 1891, pages 8, 9, 11, 13, 14). On the 3rd September, 1891, then, by the joint, and I may add, unanimous action of the Roman catholic and protestant sections of the board of education, prompted by the Reverend Father Leduc, a uniform course of study and a practically uniform series of text-books were prescribed for all candidates for teachers' certificates.

With regard to the training of teachers, I might say that our regulations do not compel any teacher, who possesses equivalent qualifications, to attend our normal sessions.

Teachers are required to possess scholarship and professional skill. If any member of a religious order presents evidence of these, she can obtain her certificate

without attending our normal school, but if she does not present such evidence, under our regulations, she is not entitled, in her religious character, to anything more than any other lady who wishes to teach in a government school and obtain a government grant.

Our duty is to see that none but properly qualified teachers are engaged in our schools, and that none but properly conducted schools receive public money, and those duties cannot be delegated to the representatives of any religious body or bodies.

As a matter of fact, many members of religious orders are specially and splendidly trained as teachers, and our regulations will admit them without any attendance at our normal classes.

No member of a religious order teaching in the Territories to-day is affected by the normal school regulations, and for the future, members of religious communities wishing to engage as teachers in schools drawing public money in the Territories, must conform with regulations of which they have had full notice.

In further reference to the subject of uniform training of teachers, I might cite the action of the old board of education under the system which, in the words of the petition, "operated with entire harmony and to the general satisfaction of all connected with the active work of education in the Territories."

At a meeting of the board of education held on the 25th January, 1888, it was resolved:—

"That, in the opinion of this board, it is necessary to make provision for the instruction and training of teachers for our public schools in the science and art of teaching;

"That the board feels that the appointment of a normal school principal, whose duty it would be to hold normal school sessions in different parts of the country, would have the best possible results in increasing the efficiency of teachers and stimulating education.

"Therefore resolved:—

"That his honour the lieutenant governor be requested to urge upon the Dominion government the advisability of granting the sum of five thousand dollars for the next financial year for normal school purposes."

At that meeting, among other members present and approving, were Rev. Father Leduc and Mr. A. E. Forget.

Again, on the 3rd September, 1891, the board of education, on the motion of Mr. A. E. Forget, a Roman catholic member, passed the following resolution:—

"That all persons in the inspectorates of eastern and western Assiniboia, who obtained non-professional certificates at the recent examination of teachers, not holding certificates of normal training, and who desire to obtain professional certificates, be required to attend a normal session either at Moosomin or Regina; such normal session to commence on the reopening of the union schools after the Christmas holidays, and to terminate, for third class teachers six weeks, and for first and second class teachers three months from the date of commencement."

On this occasion were present and approving, the Rev. Father Leduc, the Hon. Mr. Justice Rouleau and Mr. A. E. Forget, all the members of the Roman catholic section of the board.

2. Inspection.—Section 5 of ordinance no. 28 of 1891-92, provides for the appointment of inspectors by the lieutenant governor in council. Section 11 of the ordinance of 1892, simply re-enacts this.

There are four school inspectors for the Territories, one of whom the Reverend Father Gillies, is a Roman catholic priest. There are 44 Roman catholic and 286 protestant schools in the Territories. The bishop of St. Albert's statement that until the 31st December, 1892, the law gave each section of the board of education power to appoint inspectors is not correct, as that power was taken away from the sections by the ordinance of 1891-92, passed in the previous session of the legislature.

3. Text-books.—The petition states that "text-books now prescribed are in many instances of a character highly objectionable to Roman catholics," that they are "for the most part protestant, and are offensive to catholics, etc." A general charge of this nature can only be met by an equally general denial, or by putting

the books in as evidence. No objectionable text-books have been prescribed for Roman catholic schools. Out of the large number of books prescribed for schools, teachers examinations and normal classes, the petitioner has been unable to specify one which would support his most general and unfounded assertion. Until the passage of the ordinance of 1892, text-books for Roman catholic schools were prescribed by the Roman catholic section of the board of education.

The only change of the text-books for these schools since 1888, was made at the last general meeting of the council of public instruction, held in June, 1893. At that meeting, and with the approval of the Reverend Father Caron, a Roman catholic member of the council, a uniform series of text-books for all schools was prescribed, with one exception.

At the Reverend Father Caron's request, Roman catholic schools were allowed to use as optional text-books the Roman catholic readers in the primary classes.

The only school text-books in our programme which could possibly excite controversy are the readers and histories.

In history, the text-book, under the new regulations is Buckley & Robertson's History of England and Canada. This book was already prescribed by the board of education, having been considered unobjectionable by the Roman catholic section, and was in use before the late regulations and the ordinance of 1892 came into force.

The readers, above the primary ones, are the Ontario series, which were already actually used in a number of Roman catholic schools in the territories and are allowed in the separate schools of Ontario, where text-books "offensive to Roman catholics" are not usually prescribed.

I have thus shown that by the ordinance of 1892, and the regulations made under its authority, no right has been interfered with and no substantial departure has been made from the regulations which were established by the Roman catholic section of the late board of education or by the general board with their approval.

The effect of the ordinance has not been "to deprive Roman catholic schools of that charac er which differentiates them from public or protestant schools."

The religious complexion of the school is a domestic matter, which concerns the ratepayers establishing such school, and such ratepayers only.

It is the result of the religious complexion of the community establishing the school. It is preserved and maintained by the trustees elected by that community who, in that respect, have ample jurisdiction. They choose their own teacher, and determine the character and amount of religious instruction that shall be given in the school.

The general control of the school system is not concerned with this question, nor should it be.

To deny this involves a duplication of the whole machinery of education. It would involve two courses of study, two standards for teachers, two sets of inspectors, two sets of normal schools, two superintendents and government grants based on different standards.

This duplication is in the last analysis impossible, as it is unnecessary. Granted the right of Roman catholic inspection and Roman catholic management and control, the further necessity will arise for a Roman catholic assembly to make ordinances for the government of Roman catholic schools, and a Roman catholic lieutenant governor to assent to such legislation, and a Roman catholic governor general to allow the law to come into operation, on the advice of a Roman catholic council, possessing the confidence of a Roman catholic house of commons.

The responsibility for the general management of our schools, for the educational policy of the Territories, and for the expenditure of the school vote is above and beyond any sectarian difference. Expenditure and control are inseparable, and so long as schools continue to receive government grants, they must be subject to government control.

I do not feel called upon to discuss the constitutional phase of this question. The petitioner questions the power of the legislature in one clause (subsection D of section II), but the effect of this clause depends upon the satisfactory proof of the rest of the petition. The petition is not supported by any such proof.

Indeed, the petitioner has not even made a pretense of proof of any of his assertions.

With all respect for his eminent position, I must call attention to the inaccuracy of statement and quotation apparent from a comparison of the petition with the public records. No specific case is quoted in support of general charges.

A careful comparison of our present system with the system in existence prior to the ordinance of 1892 will show no substantial changes, or at least no changes involving a grievance or a wrong.

On all important subjects the regulations complained of are the regulations passed under the system which the petitioner claims to have "operated with entire harmony and to the general satisfaction of all connected with the active work of education in the Territories."

The petitioner prays for disallowance, or alternatively that the legislative assembly and council of public instruction be ordered to repeal or amend the ordinance and regulations, etc.

The legislative assembly cannot be ordered to repeal or amend its own legislation by any power or authority.

Disallowance will not practically remedy any alleged grievance. Disallowance will change the name of the governing body from "council of public instruction" to "board of education," but will not change the regulations, and finally disallowance, in the words of the right reverend petitioner, but with a four-fold significance, "will cause a great disturbance of peace and harmony among her majesty's protestant and catholic subjects in the Territories and in other parts of the Dominion."

I have, etc.,

F. W. G. HAULTAIN,

For the Executive Committee, N.W.T.

DEPARTMENT OF THE SECRETARY OF STATE,

OTTAWA, 10th January, 1894.

His Honour the Lieutenant Governor of the North-west Territories, Regina.

SIR,—I have the honour, in continuation of prior correspondence upon the subject, to acknowledge the receipt of your despatch of the 5th instant, transmitting, for submission to the governor general in council, reply prepared by Mr. F. W. G. Haultain, on behalf of the executive committee of the North-west Territories, to the several petitions addressed to his excellency praying for the disallowance of certain ordinances of the Territories in reference to education, and to inform you that the matter will receive attention.

May I ask you to be good enough to cause me to be supplied, for official purposes, with two additional copies of exhibit "B," referred to in the reply in question.

I have, etc.,

L. A. CATELLIER,

Under Secretary of State.

ST. BONIFACE, 7th January, 1894.

To His Honour the Secretary of State, Ottawa, Ont.

HONOURABLE SIR,—Enclosed herewith find a petition, which I trust you will present to his excellency the governor general in council, and also support it.

It is a petition of the trustees of Lethbridge Roman catholic separate school, no. 9, of the North-west Territories.

With much esteem, I remain, etc.,

† ALEX., *Arch. of St. Boniface, O.M.I.*

Similar petition from the board of trustees of Lethbridge Roman catholic separate school, no. 9, of the North-west Territories.

M. E. ROY, *Chairman.*
CYRILLE BEGIN, *Treasurer.*
THOS. CLUNY, *Trustee.*
Sister FRANCES McCORMACK, F.C.J.,
Secretary.

LETHBRIDGE, 8th November, 1893.

GOVERNMENT HOUSE, REGINA, 12th January, 1894.

The Honourable the Secretary of State, Ottawa.

SIR,—Referring to my letter of the 5th instant, transmitting, for submission to his excellency the governor general in council, the reply of the executive committee to the various petitions, addressed to his excellency, in reference to certain ordinances of the Territories respecting education, I have now the honour to enclose you herewith a further statement on the same subject.

I have, etc.,

C. H. MACKINTOSH,
Lieutenant Governor of the North-west Territories.

REGINA, 12th January, 1894.

To His Honour the Lieutenant Governor of the North-west Territories.

SIR,—I beg to make a short additional statement on behalf of the executive committee in reference to the petition of the right reverend the bishop of St. Albert to the governor general in council praying for the disallowance of ordinance no. 22 of 1892.

In my previous communication of the 4th January instant, I stated "that the only change of text-books for these Roman catholic schools since 1888 was made at the last general meeting of the council of public instruction held in June, 1893. At that meeting and with the approval of the Rev. Father Caron, a Roman catholic member of the council, a uniform series of text-books was prescribed, with one exception."

Instead of using the word "prescribed," I should have said "determined upon." As a matter of fact the only changes in text-books for Roman catholic schools actually made by the council of public instruction are the changes set forth in the explanatory circular of the 30th September, 1893, a copy of which is hereto attached. I have already referred to changes in text-books prescribed for examinations for teachers' certificates, and in this letter deal only with the question of school text-books.

The changes indicated in the circular of the 30th September are the only changes in Roman catholic school text-books which have been made since 1888. The effect of that circular is:

(1) To strike from the list of books for Roman catholic schools the metropolitan series of readers.

(2) To prescribe for all standards above standard 2 the Ontario readers.

(3) To continue for standards 1 and 2 the Dominion series of readers, the text-books already in use under the regulations of the Roman catholic section of the board of education, the Ontario readers being only made optional in these standards; and

(4) To allow the Ontario bilingual readers to be used in French-speaking districts, under the conditions set forth in the circular.

In abolishing the metropolitan series of readers the example of the Roman catholic committee of the council of public instruction of the province of Quebec

was followed. At a sitting of that body, held on the 20th May, 1892, his eminence Cardinal Taschereau in the chair, among the books struck from the list of books approved for use in the Roman catholic schools in the province of Quebec were the metropolitan 1st, 2nd, 3rd and 4th readers.

My previous communication has sufficiently stated the unobjectionable character of the Ontario readers.

This further statement will clearly refute the charge of having prescribed for Roman catholic schools text-books offensive to Roman catholics.

I have, etc.,

F. W. G. HAULTAIN,

For the Executive Committee, N.W.T.

GOVERNMENT HOUSE, REGINA, 15th January, 1894.

The Honourable the Secretary of State, Ottawa.

SIR,—I have the honour to acknowledge the receipt of your letter of the 10th instant, and to transmit you herewith, as requested, two additional copies of "exhibit B" referred to in the reply of the executive committee to the several petitions addressed to his excellency the governor general in council, in reference to certain ordinances of the Territories respecting education.

I have, etc.,

C. H. MACKINTOSH,

Lieutenant Governor of the North-west Territories.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 19th January, 1894.

His Honour the Lieutenant Governor of the North-west Territories,
Regina, N.W.T.

SIR,—I have the honour to acknowledge the receipt of your despatch of the 12th instant, enclosing for submission to his excellency the governor general in council an additional statement from Mr. F. W. G. Haultain, on behalf of the executive committee of the North-west Territories, in reference to the petition of the right reverend the bishop of St. Albert to the governor general in council praying for the disallowance of ordinance no. 22 of 1892.

I have, etc.,

L. A. CATELLIER,

Under Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA. 19th January, 1894.

His Honour the Lieutenant Governor of the North-west Territories,
Regina, N.W.T.

SIR,—I have the honour to acknowledge the receipt of your despatch of the 15th instant, covering the transmission of two additional copies of "exhibit B" referred to in the reply of the executive committee to the several petitions addressed to his excellency in council regarding certain ordinances of the North-west Territories dealing with education.

I have, etc.,

L. A. CATELLIER,

Under Secretary of State.

EXTRACT *of the report of the committee of the honourable the privy council, approved by his excellency on the 5th February, 1894.*

The committee of the privy council have had under consideration the following petitions, namely:—

(1.) Petition of the board of trustees of St. Joachim's Roman catholic school, district no. 7, of the North-west Territories.

(2.) Petition in the name of his lordship the Right Reverend Bishop Grandin.

(3.) Petition of trustees of Roman catholic school district of Prince Albert, no. 3.

(4.) Petition of trustees of Roman catholic separate school district of Cunningham, no. 5.

(5.) Petition of trustees of Roman catholic separate school district of St. Leon.

(6.) Petition of his grace the archbishop of St. Boniface, endorsing the prayer of the above petition.

(7.) Petition of the trustees of the Roman catholic separate school of Lacombe, no 1.

(8.) Petition of the trustees of Roman catholic separate school of McLeod, Holy Cross, no. 8.

(9.) Petition of the trustees of Roman catholic separate school of St. Patrick, no. 11.

(10.) Petition of the trustees of Roman catholic separate school of St. Agnes, no. 18.

(11.) Petition of the board of trustees of St. Vital's Roman catholic separate school district, no. 11 of the N. W. T.

(12.) Petition of the Stobart Roman catholic separate school district, no. 8 of the N. W. T.

(13.) Petition of the board of trustees of Saskatchewan Roman catholic public school district no. 2 of the N. W. T.

(14.) Petition of the board of trustees of St. Anthony of Padoua's Roman catholic separate school district of the N. W. T.

(15.) Petition of the trustees of Roman catholic separate school of Lebret, no. 12.

(16.) Petition of the trustees of Roman catholic separate school of St. Joseph of Balgonie.

(17.) Petition of the trustees of Roman catholic separate school of St. Joseph of Dauphinais, N. W. T.

(18.) Petition of the trustees of Roman catholic separate school of Charlebois, no. 37.

(19.) Petition of the trustees of Roman catholic separate school at Fish Creek.

The committee have also had under consideration a letter of his honour the lieutenant governor of the North-west Territories, dated 5th January, 1894, having therewith the statement, in reply to the above petitions, of F. W. G. Haultain, Esq., for the executive council of the North-west Territories, and the further letter of his honour dated 12th January, 1894, enclosing an additional statement by Mr. Haultain.

The committee report upon the above named petitions and letters as follows:—

(1.) The committee find these several petitions are practically alike.

By the first prayer of their petition the petitioners ask that your excellency might be pleased to disallow ordinance no. 22 of 1892 of the North-west Territories.

The committee find that the ordinance complained of was assented to on the 31st December, 1892, and that, amongst other things, it enacts as follows:—

"Section 1. That the ordinance may be cited as the School Ordinance.

"Section 4. There may be established, subject to the provisions of this ordinance and to the regulations of the council of public instruction, the following classes of schools:—

"(*a*) Public schools for pupils between five and twenty years of age, in which instruction shall be given in the elements of an English and commercial education.

"(*b*) Separate schools for pupils between five and twenty years of age in which instruction shall be given in the elements of an English and commercial education.

"Section 5. The member of the executive committee and four persons, two of whom shall be protestant and two Roman catholic, appointed by the lieutenant governor in council, shall constitute a council of public instruction, and one of the said executive committee to be nominated by the lieutenant governor in council shall be chairman of the said council of public instruction. The appointed members shall have no vote and shall receive such remuneration as the lieutenant governor in council shall provide.

"The executive committee and any sub-committee thereof appointed for that purpose shall constitute a quorum of the council of public instruction.

"Section 6. It shall be lawful for the lieutenant governor in council to appoint a superintennent of education for the Territories who shall also be secretary of the council of public instruction.

"Section 7. It shall be lawful for the council of public instruction from time to time—

"(*a*) To appoint two or more examiners at such remuneration as shall be thought proper and who shall constitute a board of examiners to examine teachers and grant certificates of qualification.

"(*b*) To make and establish rules and regulations for the conduct of schools and institutes and to prescribe the duties of teachers and their classification.

"(*c*) To determine the subjects and percentages required for all classes and grades of certificates of teachers as well as to make and prescribe rules for the guidance of candidates for certificates of qualification as teachers.

"(*d*) To select, adapt and prescribe the text-books to be used in the public and separate schools of the Territories.

"(*e*) To arrange for the proper training, examination, grading and licensing of teachers and the granting of certificates which shall be of seven classes, namely, high school, first-class, grade A and B, second-class, grade A and B, third-class and provisional."

Here follow provisions as to kindergarten schools.

"(*f*) To determine all cases of appeals, disputes and complaints arising from decisions of trustees or inspectors and to make such orders thereon as may be required.

"(*g*) To make any provisions not inconsistent with this ordinance that may be necessary to meet exigencies occurring under its provisions.

"(*h*) To make and establish rules and regulations for the guidance of inspectors."

Section 6 above quoted has been repealed by clause 1 of ordinance no. 23 of 1893, and the following substituted therefor:—

"6. The lieutenant governor in council may from time to time determine what officers or persons it is necessary to employ for any purposes mentioned in this ordinance, assign their names of office, prescribe their duties and salaries and make the necessary appointments."

The committee, in order to have a proper understanding of the question, submit some quotations from the law governing schools and education in the territories prior to the passing of the ordinance complained of, as found in ordinance no. 59 of 1888, which ordinance was repealed by the ordinance no. 22 of 1892.

By the ordinance no. 59 of 1888, it was provided amongst other things:—

"Section 4. The lieutenant governor in council may appoint and constitute a board of education for the North-west Territories, composed of eight members to hold office for two years and until their successors are appointed, five of whom shall be protestant and three shall be Roman catholic.

"5. The board shall meet at Regina on the third Tuesday in January and July in each year, and at such other times as the lieutenant governor may direct.

"6. A majority of the board shall be a quorum.

"7. The board shall appoint one of their number as chairman, who may vote with the other members of the board on all questions and any question on which there is an equality of votes shall be deemed to be negatived.

"Section 10. It shall be the duty of the board:—

"1. To prescribe the duties of the secretary to the board.

"2. To make regulations for the registering and reporting of the daily attendance at all schools, and to prescribe the form of school register.

"3. To cause a proper record to be made of the proceedings of the board.

"4. To determine all appeals from the decision of inspectors of schools, and to make such orders thereon as may as may be required.

"5. To provide for a uniform system of inspection of all schools, and to make, from time to time, such regulations as may be deemed necessary with respect to the duties of inspectors.

"(*a.*) The remuneration of inspectors shall be at the rate of twenty dollars per annum for each organized school within their inspectorates open during the year or in any part thereof. For travelling expenses they shall be allowed five dollars for each day absent in the discharge of their duties, but where the railway is used they shall be allowed the actual fares paid on such railway and such necessary expenses as the board of education, through its secretary, may approve.

"6. To arrange for the proper examination, grading and licensing of teachers, and the granting of certificates, which shall be of six classes, viz., first class (two grades), second class (two grades), third class and provisional.

"And for such schools as are not designated protestant or Roman catholic.

"7. To take charge of all such schools organized under this or any previous ordinance, and to make, from time to time, such regulations as may be deemed fit for their general government and discipline and the carrying out of the provisions of this ordinance.

"8. To appoint inspectors who shall hold office during the pleasure of the board.

"9. To select, adapt and prescribe a uniform series of text-books to be used in such schools.

"10. To cancel the certificate of a teacher upon sufficient cause.

"Section 11. The board of education shall resolve itself into two sections, the one consisting of the protestant and the other of the Roman catholic members thereof, and it shall be the duty of each section—

"1. To have under its control and management the schools of its section, and to make, from time to time, such regulations as may be deemed fit for their general government, discipline and the carrying out of the provisions of this ordinance.

"2. To select and perscribe a uniform series of text-books.

"3. To appoint inspectors who shall hold office during the pleasure of the section appointing them.

"4. To cancel the certificate of a teacher upon sufficient cause.

"Section 12. There shall be a general board of examiners for teachers' certificates, whose number shall be fixed by the board of education, and whose remuneration shall be the same as that of the members of the board of education, one-half of which board of examiners shall be nominated by each section of the board.

"Section 13. Each section of the board shall have the selection of text-books for the examination of teachers in history and science, and it shall have power to prescribe any additional subjects of examination for the teachers of schools of its section, and in all examinations on such subjects the examiners of each section shall respectively have exclusive jurisdiction."

INSPECTION.—The provisions of the appointments of school inspectors in the ordinance of 1888, were as follows:—

Under section 10, subsection 5, the board of education were empowered "to provide for a uniform system of inspection of all schools, and to make, from time to time, such regulations as may be deemed necessary with respect to the duties of inspectors." This section also provided for the remuneration of inspectors.

By subsection 3 of section 11 it was provided as a duty of each section. "To appoint inspectors who shall hold office during the pleasure of the section appointing them."

Section 80 of the ordinance of 1888 laid down the duties of inspectors of schools. Under the ordinance of 1892 the council of public instruction are authorized by subsection (*h*) of section 7: "To make and establish rules and regulations for the guidance of inspectors," and by section 11 it was provided that "the lieutenant governor

in council may appoint inspectors of schools in the territories, and fix their salaries and travelling allowances, and such inspectors shall severally hold office during pleasure, and in addition to duties imposed upon them under section 91 of this ordinance shall perform such other duties as may be imposed upon them from time to time by the council of public instruction."

Section 11, above quoted, was repealed by section 6 of ordinance 23 of 1893, and subsections 9 and 10 of section 91 of the ordinance of 1892, which reads: "9. To inspect the visitors' book and write therein a general report of the condition in which he found the school. 10. To endorse all teachers' certificates in accordance with the regulations of the council of public instruction." Upon a comparison of the duties prescribed for inspectors of schools in the ordinance of 1888 and that of 1892, as amended, it will be seen that they are practically the same, the notable exception being the repeal of the subclauses 9 and 10 above set out, which subclauses correspond with subclauses 16 and 17 of section 89 of ordinance of 1888.

Upon comparing the provisions of the ordinance complained of, above quoted, with those of the ordinance no. 59 of 1888, above quoted, it will be seen that they differ materially in the following respects:—

By the ordinance of 1888, a board of education was appointed by authority of the lieutenant governor composed of eight members, five of which were to be protestants and three Roman catholics. A majority of the board formed a quorum, and the board appointed one of their number chairman, whereas by the ordinance complained of "the board of education" is done away with, and its place is substituted by section 5, a "council of public instruction," which is composed of the members of the executive committee and four other persons, two of whom shall be protestants and two Roman catholic appointed by the lieutenant governor in council, and one of the executive to be nominated by the lieutenant governor shall be chairman. The appointed members shall have no vote. A quorum is constituted by the executive committee only.

The petitioners complain that there is vested in the council of public instruction not only the powers and authority which by the ordinance of 1888 were vested in the board of education as a whole, but also the powers and authority thereby vested in each section thereof, and that in pursuance of the powers and authority conferred upon them by the said ordinance, the council of public instruction have promulgated certain regulations which are prejudicial to the rights and privileges of the petitioners. Amongst other such objectionable regulations is said to be one governing teachers' certificates.

By the provisions of subsection 6 of section 10 of ordinance 22 of 1888, the whole board of education irrespective of either section, had alone authority to "arrange for the proper examination, grading and licensing of teachers." Under the provisions of section 12, there was a general board of examiners for teachers' certificates, one half of which board of examiners were nominated by each section of the board, and by section 13 each section of the board had the selection of text-books for the examination of teachers in history and science, and in all examinations on such subjects the examiners of each section, respectively, have exclusive jurisdiction.

Although the formation of the board of examiners is different under the present law, the committee of the privy council are unable to ascertain that the board of public instruction has in any way altered or restricted the mode and manner of examining teachers. The committee are informed by Mr. Haultain's statement that so far back as January 1888, at a meeting of the board of education, it was resolved "That in the opinion of this board it is necessary to make provision for the instruction and training of teachers for our public schools in the science and art of teaching; that the board feels that the appointment of a normal school principal, whose duty it would be to hold normal school sessions in different parts of the country, would have the best possible results in increasing the efficiency of teachers and stimulating education.

"Therefore it is resolved that his honour the lieutenant governor be requested to urge upon the Dominion government the advisability of granting the sum of $5,000 for the next financial year for normal school purposes."

There is nothing in the above resolution to indicate that there was to be one normal school for protestant teachers and another for Roman catholic teachers, but rather the one normal school for all.

The committee cannot ascertain that the establisment of the normal school was objected to 1888, but, on the contrary, Mr. Haultain says that at least two of the then Roman catholic members of the board of education were present at the meeting at which the above resolution was passed, and approved of the same.

It appears therefore to the committee that prior to the ordinance of 1892, normal schools had been sanctioned by the board of education without objection, and that a uniform training of teachers had been adopted by and with the approval of both sections of the board.

The petitioners further complain that the council of public instruction "have promulgated certain regulations of which one effect is that, save in exceptional cases, no one can become a certificated professional teacher entitled to conduct a public or separate school without attendance at a normal school."

To ascertain the nature of this objection it is well to examine the cases which are there said to be exceptional. It is provided by the regulations of the council of public instruction governing teachers' certificates, 1894, (at page 8 under the heading "persons eligible without examinations") as follows:—

"(1.) A person holding a professional certificate of the first or second class issued in Ontario or Manitoba since 1886, may receive a certificate of equal standing upon presenting, (*a*) A statement from the department of education in his own province that his certificate is still valid. (*b*) A certificate of moral character of recent date. (*c*) A certificate from his last inspector of having taught successfully.

"(2.) Persons holding non-professional certificates of the first or second class, issued in Ontario or Manitoba since 1886, may receive certificates of equal standing upon presenting proof of character and age.

"(3.) Persons holding certificates from other provinces of the Dominion or from the British Islands may receive certificates of such class as the council of public instruction may deem them entitled to.

(4.) Graduates of any university in her majesty's dominions may, on the presentation of proofs of scholarship, character and age, receive non-professional certificates of the first class."

"(5.) Persons holding certificates of educational value from institutions other than those mentioned may receive such certificates as the council of public instruction may deem them entitled to."

Clause five would appear to have been especially framed to meet the cases of those persons mentioned by the petitioners, who would be unable to comply with the regulations enjoining attendance at the normal schools. On this subject Mr. Haultain says in his statement:—

"With regard to the training of teachers, I might say that our regulations do not compel any teacher who possesses equivalent qualifications to attend our normal schools. Teachers are required to possess scholarship and professional skill. If any member of a religious order presents evidence of these, she can obtain her certificate without attending our normal school, but, if she does not present such evidence, under our regulations, she is not entitled, in her religious character, to anything more than any other lady who wishes to teach in a government school and obtain a government grant.

"As a matter of fact, many members of religious orders are especially and splendidly trained as teachers, and our regulations will admit them, without any attendance at our normal classes. No member of a religious order, teaching in the Territories to-day, is affected by the normal school regulations."

The committee observe that the next complaint of the petitioners is, that another regulation of the council of public instruction, made under the ordinance of 1892, imposes a uniform course of instruction, and a uniform selection of text-books alike for all schools, whether public, protestant or catholic, and that the text-books now prescribed are in many instances of a character objectionable to Roman catholics.

First, the committee would refer to the subject of text-books prescribed for examination of teachers, and second, to the text-books used in schools.

As to teachers' examinations, it is well to recollect that, under the ordinance of 1888, the power to arrange for the examinations, grading and licensing of teachers, and the granting of certificates, was vested in the whole board of education. Half of the examiners were nominated by each section of the board, and each section had one selection of text-books for the examination of teachers in history and science. Amongst the documents before them, the committee find an official circular bearing the following imprint on its face:—

"Regulations with respect to teachers' examinations and entrance examinations to union schools, complied by authority of the board of education for the North-west Territories, and of the sections therein.

"JAMES BROWN,

"*Secretary Board of Education.*

"REGINA, 3rd September, 1891."

By this circular it appears that, before the ordinance of 1892, the whole subject of teachers' examinations was regulated by the entire board, and the books for the examinations agreed upon.

So far as the committee can ascertain, the only subjects upon which any difference of opinion on points of religious belief was likely to arise between the different sections of the board were history and science. Having this fact in view, section 13 of the ordinance of 1888, provided that each section of the board should have the selection of the text-books in history and science. Upon looking at page 7 of the regulations of September 1891, clause 19 "subjects of examinations for third class candidates," the text-books prescribed for reading are found to be for protestant candidates, High School Reader; for Roman catholic candidates, Metropolitan Fifth Reader. Again at page 8, history—"To have a good general knowledge of the history of England and Canada. Text-books. For all candidates, Buckley and Robertson's High School History of England and Canada; English History, chapters 19 to 26 inclusive, Canadian, chapters 1 to 8 inclusive. History of literature and poetical selections: to be familiar with the selections prescribed for study and to have a knowledge of the life and works of their authors."

Text-books—for protestant candidates, High School Reader; for Roman catholic candidates, Metropolitan Fifth Reader.

In the subjects for examinations for second class candidates, the text-book prescribed for all candidates is again "Buckley and Robertson's High School History of England and Canada," and the text-book for all candidates in history of literature and poetical selections, is "Stopford Brook's History of English Literature." Poetical selections to be prescribed and the text-books in the above subjects prescribed for examinations of first class candidates, are the same.

The committee find that in all the other subjects mentioned in the said regulations, a uniform series of text-books is prescribed, and that the only differences in respect to text-books for any of the examinations are mentioned above.

The committee observe, in looking at the regulations at present in force governing the examination of teachers, that the text-book prescribed for third class certificates is still "Buckley and Robertson's High School History." For second class, in addition to Buckley and Robertson's History, as prescribed in 1891, "Swinton's Outlines of the World's History," sections 1, 2 and 3, is also authorized.

For first class certificates in history of the English language and literature, the text-books now authorized are Lounsbury's History of the English Language, in addition to Stopford Brook's English Literature (Primer) in History, Swinton's Outlines of the World's History, Bagshot, the English Constitution, and Bourinot's Constitutional History of Canada are substituted for Buckley and Robertson's High School History of England and Canada.

It will thus be seen that the text-books now prescribed are practically the same as those in use under the regulations of September, 1891. The committee are not aware that the substitutions above noted have been prejudicial to any class of schools. Referring to the doing away with the Metropolitan Readers, Mr. Haultain remarks that the council of public instruction was but following the example of the Roman catholic committee of the council of public instruction of the province of Quebec, which, he says, has ceased to use these readers. The petitioners have not specified any text-book now prescribed for the examination of teachers, which is objectionable to Roman catholics, and as, with the exception above noted, the books now prescribed are practically the same as those in use and prescribed by regulations prior to the passing of the ordinance of 1892, and as such regulations were concurred in by both sections of the board, the committee cannot say that the complaint of the petitioner in this respect is well founded. It is to be noted that the petitioners do not complain of the abolition of any text-books, but only of the imposition of a uniform course of instruction and a uniform selection of text-books, a state of affairs, so far as teachers' examinations are concerned, that appears to have existed under the old regime, and to which no objection seems to have been made by Roman catholics but which, on the contrary, was approved of by their representatives on the board of education. (See Mr. Haultain's statement, the letter of the Reverend Father Leduc, annexed thereto, and the regulations of September, 1891).

As to the text-books used in schools, under the provisions of the ordinance of 1888, the text-books for Roman catholic schools were prescribed by the Roman catholic section of the board of education. The text-books used in Roman catholic schools, prior to the passing of the ordinance of 1892, are set out in the programme of studies and list of books, which are found on pages 31 to 36 in the published regulations of the board of education, adopted 15th March, 1888. The petitioners do not specify wherein this programme of studies and list of books has been changed or altered, and the only information the committee had before them is that furnished by Mr. Haultain, and by the circular to teachers, dated 30th September, 1893, which was issued to teachers of Roman catholic schools.

Mr. Haultain says that the only changes in Roman catholic school text-books, which have been made since 1888, are those indicated in this circular, which reads as follows:—

"In reply to inquiries respecting readers and examinations for promotion in Roman catholic schools, I am directed to forward the following minutes, passed by the council of public instruction, 13th September, 1893.

"The regulations of the council of public instruction mailed to all schools on or about 16th August last, govern all examinations held under the directions of the council.

"The following readers are authorized for use in the Roman catholic schools in standards 1 and 2, and become compulsory after 1st January, 1894, viz.:—

"The Dominion Series (Sadlier's Catholic Readers), parts 1 and 2, and the Second Reader; or the Ontario Readers, parts 1 and 2, and the Second Reader.

"In school districts where French is the vernacular, the school trustees may, upon obtaining the consent of an inspector in writing, use the Ontario Series of Bi-lingual Readers, parts 1 and 2, and the Second Reader, instead of the Dominion Series of the Ontario Readers. In all standards above the second, the Ontario Readers are prescribed after 1st January, 1894."

It is to be noticed by this circular that the only change made in the programme of studies adopted in March, 1888, is the substitution of "The Dominion Series" (Sadlier's Catholic Readers) for the Ontario Readers. The use of the latter readers is in the alternative, so that they need not be used so long as Sadlier's Readers are in use.

As the Ontario Series of bi-lingual readers is in use in the separate schools of Ontario, and by section 3 (*b*) of the ordinance of 1892, it is imperative that instructions be given in the elements of an English and commercial education, it is presumed that it is with a view to assist in the carrying out of this provision of the ordinance

that bi-lingual readers are allowed. So far as the text-book for history is concerned, it would appear that no change has been made in this respect, and that in Roman catholic schools the same text-books in history can now be used as were prescribed by the regulations of March, 1888. The statement of the petitioners, therefore, that the council of public instruction imposes a uniform course of instruction and a uniform selection of text-books alike for all schools, whether public, protestant or catholic, seems not to be made good. It appears, on the contrary, that in all the subjects mentioned and set out in the programme of studies and list of books prescribed by the Roman catholic section of the board of education and passed 15th March, 1888, namely, reading, spelling, grammar, composition, geography, history, arithmetic, religious instruction and literature, with the one exception of the Metropolitan Readers, no change has been made whatever by any regulations of the board of public instruction.

The petitioners further state that "the effect of the said ordinance, especially by means of the said regulations passed in pursuance thereof, is to deprive the catholic separate schools of that character which differentiates them from public or protestant schools, and to leave them catholic separate schools in name only, and such, it is submitted, is its obviously necessary effect."

The committee observe that section 32 of ordinance no. 22, of 1892, provides:—

"The minority of the ratepayers in any organized public school district, whether protestant or Roman catholic, may establish a separate school therein, and in such case the ratepayers establishing such protestant or Roman catholic school shall be liable only to assessments of such rates as they impose upon themselves in respect thereof.

"Section 36. After the establishment of a separate school district under the provisions of this ordinance, such separate school district shall possess and exercise all rights, powers and privileges, and be subject to the same liabilities and method of government as is herein provided in respect of public school districts.

"Section 83. All schools shall be taught in the English language, and instructions may be given in the following branches, viz., reading, writing, orthography, arithmetic, geography, grammar, history of Britain and Canada, French and English literature, in accordance with the programme of studies prescribed by the council of public instruction. Due attention shall be given during the entire school course to manners and morals and the laws of health, and to such physical exercises for the pupils as may be conducive to health and vigour of body as well as mind, and to the ventilation and temperature of school-rooms."

As regards religious instruction, the committee find that a material change has been made in the working of clauses 84 and 85 of ordinance 59, of 1888, which provided for this instruction, and clause 85 of the ordinance no. 22, of 1892. By the former it was enacted as follows:—

"Section 84. No religious instruction, such as bible reading or reciting prayers, except as hereinafter provided, or asking questions or giving answers from any catechism, shall be permitted in any public school in the Territories from the opening of such school at nine o'clock in the forenoon until the hour of three o'clock in the afternoon, after which time any such instruction permitted or desired by the masters may be given.

"Section 85. Schools may be opened each morning with prayer with the consent of the trustees who shall approve of the form of prayer to be used.

"Section 86. Any child attending any school whose parent or parents or guardian is or are of the religious faith different from that expressed in the name of such school district, shall have the privilege of leaving the school-room at the hour of three o'clock in the afternoon, or of remaining without taking part in any religious instruction that may be given, if the parents or guardian so desire.

"Section 87. It shall be unlawful for any teacher or school trustee to in any way attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school, and such action on the part of any school trustee, inspector or teacher, shall be held to be a disqualification for and voidance of the office held by him or her."

The law now is as follows:—

"Section 85. No religious instruction such as bible reading, or reciting, or reading or reciting prayers (except as hereinafter provided) or asking questions or giving answers from any catechism shall be permitted in any school in the Territories from the opening of such school at nine o'clock in the forenoon until one half hour previous to the closing of such school in the afternoon, after which time any such instruction permitted or desired by the trustees may be given.

"Section 86. Any child attending any school shall have the privilege of leaving the school-room at the time at which religious instruction is commenced, as provided for in the preceding section, or of remaining without taking part in any religious instruction that may be given, if the parents or guardian so desire.

"Section 87. It shall be unlawful for any teacher, school trustee or inspector, to, in any way, attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school, and such action on the part of any school trustee, inspector or teacher shall be held to be a disqualification for and voidance of the office held by him or her."

The principal change being that, while the ordinance of 1883 referred to and governed public schools only, and did not govern or affect separate schools, the ordinance of 1892 refers to any school, and consequently governs separate as well as public schools.

The provisions of section 85, of ordinance 59, of 1888, relating to the opening of schools by prayer, is expunged.

There are no other provisions in the ordinance of 1892, or amending ordinance in relation to religious instruction, and the law now is as above stated.

It would appear from the facts above set forth that the disallowance of the ordinance in question would not meet the complaints alleged in the petitions otherwise than by restoring the board of education which had control of the schools of the Territories before the ordinance of 1892 was passed; because in other respects the law and regulations concerning education in the Territories were not materially different before the ordinance of 1892 was passed from what they now are in so far as the points mentioned in the petition are concerned. Disallowance would not nullify any of the regulations complained of.

The committee of the privy council have not ascertained that any act done or regulation made by the council of public instruction under the ordinance of 1893, is contrary to the rights or interests of the minority in the Territories. It would seem that the real complaint of the petitioners is that the rights and interests of themselves, and of those who share their opinions and interests, are not likely to be appreciated and safeguarded by a council of public instruction, in which they are not represented by any person fully acquainted with and sharing those interests, and having the right to vote. This seems to be confirmed by the statement of the petitioners that the former system operated with entire harmony and to the general satisfaction of all connected with the active work of education in the Territories, notwithstanding that it was under that system, that the regulations now objected to were made.

The petitioners seem to have considered that they could hardly ask with confidence, for disallowance of the ordinance on account of this apprehension. The prayer of the petition had this alternative:—"Alternatively your petitioners appeal to your excellency in council from the said ordinance, and from the regulations of the council of public instruction passed in pursuance thereof, and pray that the legislative assembly and the council of public instruction be ordered and directed to repeal or amend the said ordinance and regulations, so as to eliminate therefrom the provisions thereof above objected to, and that such further and other relief in the premises may be rendered as the circumstances require and admit."

While an appeal in the sense of the provisions of the British North America Act, referring to appeals to the governor in council, on matters affecting education in the province of Canada, is not established as regards the Territories, the committee of the privy council feel confident that any suggestion having your excellency's authority would be given all proper consideration by the assembly and by

the council, and the committee consider themselves justified in entertaining this confidence, more especially as in the same enactment as that under which the North-west assembly is organized and exercises its functions (The North-west Territories Act, section 14) the following provision is made:—

"The lieutenant governor in council shall pass all necessary ordinances in respect of education, but it shall therein always be provided that a majority of the ratepayers of any district or portion of the Territories, or of any less portion or subdivision thereof by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessments and collection of rates therefor, and also the minority of the ratepayers therein, whether protestant or Roman catholic, may establish separate schools therein—and in such case, the ratepayers establishing such protestant or Roman catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof."

The committee submit herewith the following documents, which form part of the record, namely:—

(1.) Regulations of the council of public instruction governing teachers' certificates, 1894.

(2.) Circular to teachers of Roman catholic schools in the Territories, dated 30th September, 1893.

(3.) Circular of council of public instruction, dated 1st September, 1893.

(4.) Regulations with respect to teachers' examinations, compiled by authority of the board of education, dated 3rd September, 1891.

The committee of the privy council regret that the change made in the ordinances relating to education should have been such as to cause, even unwittingly, dissatisfaction and alarm on the part of the petitioners, and they advise that communication be made to the lieutenant governor of the North-west Territories, urgently requesting that the complaints set forth by the petitioners be carefully enquired into, and the whole subject be reviewed by the executive committee and the North-west assembly, in order that redress be given by such amending ordinances or amending regulations as may be found necessary to meet any grievances or any well-founded apprehensions which may be ascertained to exist.

All of which is respectfully submitted for your excellency's approval.

JOHN J. McGEE,
Clerk of the Privy Council.

DEPARTMENT OF THE SECRETARY OF STATE, OTTAWA, 15th February, 1894.

His Honour the Lieutenant Governor of the North-west Territories.

SIR,—I have the honour to inform you that his excellency the governor general has had under his consideration in council certain petitions as set forth in the order in council, herewith transmitted for your information, praying for the disallowance of ordinance no. 22 of 1892, of the North-west Territories together with a letter from your honour dated the 5th January ultimo having therewith a statement, in reply to the said petitions, of F. W. G. Haultain, Esquire, for the executive council of the North-west Territories, and the further letter of your honour, dated 12th January, enclosing an additional statement by Mr. Haultain.

I am now to inform you that his excellency in council regrets that the changes made in the ordinance relating to education should have been such as to cause, even unwittingly, dissatisfaction and alarm on the part of the petitioners, and I am to urgently request that the complaints set forth by them be carefully enquired into, and the whole subject be reviewed by the executive committee and the North-west assembly in order that redress be given by such amending ordinances or amending regulations as may be found necessary to meet any grievances or any well-founded apprehensions which may be ascertained to exist.

I have, etc.,

JOHN COSTIGAN,
Secretary of State.

GOVERNMENT HOUSE, REGINA, 20th February, 1894.

The Honourable the Secretary of State, Ottawa.

SIR,—I have the honour to acknowledge the receipt of your despatch of the 5th nstant transmitting therewith, for my information, copy of an order of his excellency the governor general in council, dated 5th February, 1894, upon the subject of ordinance no. 22 of 1892 of the North-west Territories.

I have carefully noted the observations contained in the latter part of your despatch and have the honour to state that same shall be submitted to the executive committee and to the legislative assembly of the territories for their consideration.

OTTAWA, 13th March, 1894.

His Grace the Archbishop of St. Boniface, St. Boniface.

MY LORD ARCHBISHOP,— I have the honour to acknowledge the receipt of you grace's letter of the 9th instant enclosing a memorial to his excellency the governor general in council in answer to a report of the committee of the honourable ther privy council concerning the catholic schools of the North-west Territories.

I have, etc.,

C. H. MACKINTOSH,

Lieutenant Governor of the North-west Territories.

DEPARTMENT OF THE SECRETARY OF STATE,

I have, etc.,

L. A. CATELLIER,

Under Secretary of State.

MEMORANDUM OF ARCHBISHOP TACHE,

IN ANSWER TO A REPORT OF THE COMMITTEE OF THE HONOURABLE THE PRIVY COUNCIL OF CANADA.

To His Excellency the Governor General in Council,

MAY IT PLEASE YOUR EXCELLENCY,—The right honourable the minister of justice has transmitted to me the report of the committee of the honourable the privy council, approved by your excellency on the 5th February, 1894. This document concerning the catholic schools of the North-west Territories has been called forth by certain petitions, addressed to the governor general in council, in favour of the catholic minority of the Territories, urging the disallowance of the ordinance no 22, passed in 1892 by the legislative assembly of the Territories.

Your excellency is well aware of my position and of the duties it imposes upon me and I feel satisfied that I cannot be offensive in taking the respectful liberty to state that I take exception to some of the statements and conclusions, which in the said report I consider as erroneous and unjust.

In order to show my observations with more clearness I will divide them into two parts.

In the first part I will consider the allegations of the report and its conclusions.

In the second part I will state why and how much I regret that the privy council has accepted the report of the committee and passed an order in council signed by your excellency.

PART FIRST.

In this part I will review how far the school ordinance of 1892, considered in its general aspect, has changed the position of the catholics in the matter. Secondly, I will show how far the rights of the catholics are overlooked in some of the points examined by the committee, in its report.

GENERAL ASPECT OF THE ORDINANCE.—The minority of the North-west have petitioned for the disallowance of the ordinance of 1892, because it deprives them of most of the rights they enjoyed by the ordinance of 1888 and because as they say: "The said ordinance, inasmuch as it places in the hands of non-catholics the control and management of catholic separate schools to such an extent that such persons are enabled, as they have actually done, to obliterate almost wholly the distinction between catholic and other schools."

To this complaint, made in such a general way, the committee answer:—"It would appear from the facts that the disallowance of the ordinance in question will not meet the complaints alleged in the petitions, otherwise than by restoring the board of education which had control of the schools of the Territories before the ordinance of 1893 was passed, because in other respects, the law and regulations concerning education in the Territories were not materially different before the ordinance of 1892 was passed from what they now are, in so far as the points mentioned in the petition are concerned. Disallowance would not nullify any of the regulations complained of."

This assertion of the committee is perhaps construed cleverly enough to catch the assent of those unaware of the change which has taken place, but the same assertion, in spite of its restriction does not stand before the real comprehension of the facts and their consequences. To avoid entering into a long discussion, the case may be made clear by a simple comparison between the rights enjoyed by catholics of the Territories until 1892 and what is now left to them.

The ordinance of 1888 granted to the catholics, as such, the following rights:	The ordinance of 1892 gives as follows, to catholics:
1.—The lieutenant governor in council may appoint and constitute a board of education composed of eight members, and three shall be Roman catholics (4). The three catholic members had right of vote.	1.—The members of the excutive committee and two protestant and two Roman catholics shall constitute a council of public instruction. The appointed members shall have no vote. (5).
2.—Any question on which there is an equality of votes shall be declared to be negatived (9.) So that the 3 catholics, with the help of one single protestant, could negative all hostile regulations.	2.—No vote against hostile regulations.
It shall be the duty of the board (3 catholics out of 8): (Section 10.)	
3.—To determine all appeals from the decisions of inspectors of schools and to make such orders thereon as may be required.	3.—Nothing.
4.—To provide for a uniform system of inspection of all schools and to make such regulations as may be deemed necessary with respect to the duties of the inspectors.	4.—No power.
5.—To arrange for the proper examination, and the granting of certificates. The 3 catholics had right of vote.	5.—No vote nor action.
6.—To make regulations for the general government and discipline.	6.—Nothing.
7.—To appoint inspectors.	7.—No power.
8.—To select and prescribe text books.	8.—No power.
9.—To cancel the certificates of a teacher, (for such schools as are not designated protestant or Roman catholic.)	9.—No power.

10.—The board of education shall resolve itself into two sections, the one consisting of the protestant and the other of the Roman catholic members thereof. (II) It shall be the duty of each section (protestant as well as catholic and exclusively):	10.—No power.
11.—To have under its control and management the schools of its section.	11.—No control nor management.
12.—To make such regulations as may be deemed fit for their general government and discipline.	12.—No such power.
13.—To select and prescribe a uniform series of text books.	13.—No action thereupon.
14.—To appoint inspectors who shall hold office during the pleasure of the section appointing them.	14.—No such power.
15.—To cancel the certificate of a teacher.	15.—No such power.
16.—There shall be a general board of examiners, for teachers' certificates, one half of which board of examiners shall be nominated by such section of the board of education. (12)	16.—No such nomination.
17.—Each section of the board shall have the selection of text books for the examination of teachers in history and science. (13)	17.—No power to select.
18.—It shall have power to prescribe any additional subject of examination for the teachers of schools of its section (religious instruction, for instance.)	18.—No power.
19.—And in all examinations on such subjects the examiners of each section shall respectively have exclusive jurisdiction.	19.—No jurisdiction even conjointly.
20.—All schools shall be taught and instruction given in the following branches, viz., reading, etc. (82.) In French districts all the branches could be taught in French.	20.—All schools shall be taught in the the English language and instruction will be given in the following branches, viz.: reading, etc.
21.—It shall be incumbent upon the trustees of all schools to cause a primary course of English to be taught.	21.—It shall be permissible for the trustees of any school to cause a primary course to be taught in the French language.
22.—Any school conducted in violation of the provisions of this ordinance or of the regulations of the board of education or section thereof shall forfeit all right to participate in any of the grants. (83.)	22.—Any school conducted in violation of the provisions of this ordinance or of the regulations of the council of public instruction or of the superintendent shall be liable to forfeit all rights to participate in any of the grants. (84.)
23.—Religious instruction was permitted in separate schools at any time during school hours though forbidden in public schools before 3 o'clock. (84.)	23.—No religious instruction shall be permitted in any schools until one-half hour previous the closing of such schools. (85.)
24.—At the desire of the trustees of any school district, the inspector, catholic or protestant, may examine a teacher	24.—No such privilege.

possessing no certificate, and employed or proposed to be employed by such trustees. (89.)	
25.—The inspectors have to observe that no books are used in any school but those selected from the list of books authorized by the board of education or section thereof.	25.—No more rights for catholics as to selection of books.
26.—The catholic inspector may grant provisional certificates to competent applicants recommended by the trustees of schools.	26.—Upon the recommendation of an inspector the superintendent may grant provisional certificates of qualification.
27.—Under clauses 177 and 178 union schools could be established in catholic institutions and have their high school branch as catholics.	27.—Where union schools are established the high school department of such schools shall be non-sectarian. (184.) That is to say non-catholic.
28.—The board of education may authorize the establishment of a normal department, and the trustees of any such school shall thereupon establish such normal department, (catholic as well as protestant.)	28.—High school departments of union schools being non-sectarian, the normal department must be such, and the catholics, as such, have no right therein.

It is evident from the above comparison that the ordinance complained of, and the regulations that are or may be framed in virtue thereof, alter most materially the condition of the catholics of the North-west with regard to their schools; consequently, it is not exact to say that "the disallowance of the ordinance in question will not meet the complaints alleged in the petitions." On the contrary, it would meet fully such complaints, the complaint being expressed as follows: "The said ordinance and the said regulations prejudicially affect the rights and privileges of your petitioners, and of all others of her majesty's catholic subjects in the Territories in relation to education."

The report of the honourable committee says: "Disallowance will not nullify any of the regulations complained of." On the contrary, disallowance would restore the right of modifying all such regulations, and in fact abolish all the regulations as well as dispositions uncongenial to the ordinance of 1888. For instance, it would abolish the office of superintendent and the power vested in its incumbent, "to make and establish rules and regulations for the conduct of schools, and to institute and to prescribe the duties of teachers and their classification." (Clause 7-b.)

The petitioners do not object to the nomination of a superintendent, but they strongly object to his appointment when, by the ordinance, he is entirely and absolutely free from any control on the part of catholics, who have no means to protect themselves against such an official, should he be badly disposed. The catholics, as such, have no control over their schools, and the law complained of abandons them, to a large extent, to the good will of the superintendent. He may be the best of men and a very sincere worker for the success of catholic as well as of other schools. On the other hand, the superintendent, in whose choice the catholics have no voice, may be the worst enemy of our institutions and work, cautiously, perhaps, but surely, their destruction.

The petitioners had this and other dangers in view, when they said: "The effect of the ordinance is to deprive the catholic separate schools of that character which differentiates them from public or protestant schools and to leave them catholic separate schools in name only, and such, it is submitted, is its obviously necessary effect."

The petitioners did not enter into all the details of the case (that would have filled a large volume), because they knew that the ordinance complained of, as well as the one which would have been restored by disallowance, were both before the honourable the privy council and they relied upon the intelligence and good will of

his excellency's distinguished advisers to supplement what they wilfully omitted, on that account.

(2.) THE RIGHTS OF THE CATHOLICS ARE OVERLOOKED IN SOME OF THE POINTS EXAMINED BY THE COMMITTEE.—The review of the disposition of the ordinance of 1892, taken in its general aspect, is sufficient to show how much that law prejudicially affects the interests of catholics and what reasons they have to ask for its disallowance.

I could, perhaps, and surely I would like to, put an end to my observations, but the report of the honourable committee and its conclusions, force upon me the following up of each of the points which the committee have submitted to the honourable the privy council.

(*a*) INSPECTION.—After incomplete quotations with regard to inspection of schools, the report disposes of the important question by the following observation: "Upon a comparison of the duties prescribed for inspectors of schools in the ordinance of 1888 and that of 1892, as amended, it will be seen that they are practically the same."

I deeply regret to have to say that this observation is misleading and cannot but convey a faint and unfair idea of the right of which the catholics are deprived with regard to the inspection of their schools. A few remarks will prove my assertion.

The board of education had five protestant and three catholic members. All the members had the same rights, the three catholics as well as their five protestants colleagues, in all questions of general interest. For instance: "In determining all appeal from the decisions of inspectors. In providing for a uniform system of inspection of all schools, and in making regulations with respect to the duties of inspectors." The law did not only give to the catholics a voice in the framing of the regulations of general interest but divided the general board of education into two different sections, each of them having perfect equal rights. Therefore, the catholic section "had under its control and management the catholic schools." To that section alone belonged the right "to appoint inspectors who hold office during the pleasure of the section." This office of catholic inspectior was as separate from the office of protestant inspector, as the catholic schools were separate from other schools; the inspectors had to examine catholic schools as such in all that distinguished them from other schools. The catholic section had the selection of the books used in its schools, it had the selection of the language which would form the main part of the teaching; the same section had the right to enforce religious instruction; it had the right to secure by examination, conducted by catholics alone, the fitness of the catholic teachers with regard to religious instruction, and to any additional subject prescribed by the section.

The inspection of catholic schools was ruled according to the lines above mentioned. All these privileges of the catholics, all the obligations of inspectors with regard to the same, are now annulled. No catholic character is left to the inspection; the inspectors may now conduct it not only without catholic ideas, but even in a spirit entirely opposed, and the catholics have no voice in the council to bring forth any redress.

"Upon a (full) comparison of the duties prescribed for inspectors of schools in the ordinance of 1888 and that of 1892," I cannot in any way agree with the hon. committee when they say that said duties "are practically the same."

I am bound to confess that I feel very little comfort in the fact mentioned by Honourable Mr. Haultain that, "out of four inspectors, we have one who is catholic."

The fact, it is true, proves that the council of public instruction in the Northwest does not require that school inspectors should be hostile to catholics; but, beyond that the appointment of a catholic inspector proves absolutely nothing.

To me the fact itself is a plain demonstration that the office of inspector is no more what it was, even if exercised by the same man. To perform his actual duties as inspector, Father Gillies, though a catholic priest, must conduct his inspection, now that he is appointed under the ordinance of 1892, in a very different way from what his official duties would impose upon him, should he be appointed by the

catholic section of the board of education, under the ordinance of 1888. The two offices are most decidedly different, both technically and practically."

My views on the subject are corroborated in paragraph no. 1 of the letter which the Rev. Father Leduc addressed to me on the 17th February, and which is attached to this memorandum as appendix A.

(*b*) Board of Education.—The report of the hon. committee admits that the provisions of the two ordinances, "differ materially" on this point. The ordinance of 1888 vested rights on the general board of education and privileges on its two sections, the catholic as well as the protestant; while the ordinance of 1892 practically deprives the catholics of all the rights they enjoyed in the general board of education and all the privileges conferred on their section.

Here lies the whole separate school question.

Any accumulation of the most plausible arguments and the most clever plea, against the old system, or in favour of the new, are mere waste of time, and fall short, if one does not lose sight of the radical changes, operated by the suppression of the general board of education and of its sections. There were the guarantees offered to catholics as well as to protestant schools, while the practical consequence of the ordinance of 1892 does away with such guarantees.

It may be compared to a severe partial stroke of paralysis, it does not completely take the life from the body but it deprives it of all independent action or motion, and of all means of helping itself.

(*c*) Examiners.—The report of the committee says: "Although the formation of the board of examiners is different under the present law the committee of the privy council are unable to ascertain that the board of public instruction has in any way altered or restricted the mode and manner of examining teachers."

I am forced to say that such an assertion cannot convey a fair and exact idea of the condition imposed upon catholic schools by the ordinance of 1892; the unfairness is due to the non-consideration of the privileges conferred by the act of 1888.

I admit that, under the ordinance of 1888, the board of education had alone authority to arrange for the proper examination, grading and licensing of teachers; but I decidedly object to the introduction in that statement of the words: "irrespective of either section," and that statement for the simple reason that the two sections constituted the general board. Should any member of one of the sections, in his personal capacity, propose any regulation antagonistic to the views of the members of the other section, surely the latter in their individual capacity would have opposed the motion.

Suppose, for instance, that a catholic member of the board would have proposed something offensive to the views of non-catholics, it is certain that the protestant members would have opposed the same, perhaps not as a section, but as members of the general board, representing protestant interests therein; the same may be said also of a protestant proposing something adverse to catholic ideas.

The working of the general board required good understanding and mutual concessions among its members, "irrespective of either section," if you like, but safeguarding to a great extent the views of each section.

Now the catholics have no vote in the council of public instruction; consequently they have no chance of making their views accepted or even of opposing any attempt to force them into the greatest difficulties. I regret exceedingly that "the committee of the privy council are unable to ascertain that the new law has in any way altered or restricted the mode and manner of examining teachers."

The following remarks may perhaps show more plainly the alterations and restrictions of the new law.

Under the old ordinance it was enacted as follows: "One-half of the board of examiners shall be nominated by each section of the board of education." The catholic section had therefore the right of nominating one-half of the examiners.

The law said also: "Each section of the board shall have the selection of text-books for the examination of teachers in history and science." Evidently the examination in history and science were not conducted "irrespective of either section."

Moreover, it was decreed in the old law that: "Each section shall have power to prescribe any additional subjects of examination for the teachers of schools of its section." This enactment decidedly enabled each section to bring in religious instruction as a part of the examination.

The law added: "In all examinations on such subjects the examiners of each section shall respectively have exclusive jurisdiction."

The catholics of the North-west Territory are deprived of the four last mentioned privileges, exercised through their section of the board as they have lost the advantage of being heard in the general board itself in matters relating to the examination, and it will be a long time before they can feel assured that the actual law has not in any way altered or restricted the mode and manner of examining teachers.

(*d*) NORMAL SCHOOLS.—The ordinance of 1888 and that of 1892 are explicit enough to show the difference which characterizes the two laws with regard to normal schools. The ordinance of 1888 does not repudiate catholic normal institutions. In its clauses 177 to 179 it provides for "high school branches" attached to what they call "union schools" and, then, "the board of education may authorize the establishment of a normal department in any such schools," catholic or protestant as the union school may be. The ordinance of 1892, clauses 184 and 185, provides for similar arrangements with the two following different propositions: (*a*) "Provided that the certificates held by the teachers of the high school branch are approved by the superintendent of education. (*d*) Provided that, where union schools are established the high school department of such schools shall be non-sectarian."

The meaning of the last words is fully explained by practice in this country. The distinction between the enactments of the two laws, with regard to normal schools, has escaped the notice of the honourable committee. It should have been taken into consideration, when the report says: "It appears to the committee that prior to the ordinance of 1892, normal schools had been sanctioned by the board of education without objection and that a uniform training of teachers had been adopted by and with the approval of both sections of the board."

The committee would not have been led to such an error if Mr. Haultain had thought of laying before them the regulations adopted by the board of education on the 14th March, 1889, and the 10th September, 1890.

The instructions of the 14th March, 1889, are for inspectors and principals of union schools. It is said, on page 5: "The following shall be the course of studies in the high school branch of normal schools:—

"(*a*) For protestant schools: Reading, sixth reader with recitations, etc., etc.

"(*b*) For Roman catholic schools: Review of intermediate course, etc., etc.

Then, about normal sessions, we read:

"(1.) Every union school (catholic as well as protestant) shall have, if required by the board of education, a normal school department."

Now, we read in the "Amendments to the Regulations of the Board of Education and of the Sections thereof," the following rules adopted, the 10th September, 1890:—

Page 3.—"The following books are prescribed for the use of candidates for third-class certificates; by the protestant section: Ontario Public School English Grammar, etc., etc.; by the Roman catholic section: as published and amended by adding; etc., etc.

"(45.) The subjects of examination for second-class certificates shall be such and such, for schools under the control of the protestant section; or such and such, for the schools under the control of the Roman catholic section."

Page 4.—"The following books are prescribed for the use of candidates for second-class certificates:

"By the protestant section: Stopford Brook's English literature, etc., etc.

"By the Roman catholic section: as published and amended by adding; etc., etc."

Section 46 is amended by substituting the following: "For the list of books prescribed for the use of candidates for first-class certificates by the protestant section, etc., etc."

No amendment for first-class certificates by the Roman catholic section.

Page 7.—"The head teacher of every high school branch of a union school (catholic as well as protestant) shall be styled principal of such school."

Page 8.—"(1) The regular entrance for pupils for the high school branch shall be in writing.

"(3) The paper shall be prepared and the results declared by the board of examiners" (half catholic).

Page 9.—"(6) The following shall be the course of studies in the high school branch of union schools:

"For protestant schools, standard V, as amended in programme of studies, etc., etc.

"For Roman catholic schools: Review of the intermediate course, etc., etc."

Page 10.—"(7.) Every union school shall have, when required by the board of education, a normal school department."

Page 12.—"(17.) Any student attending a normal session shall be obliged to attend such classes, in standard VI in the programme of studies of the protestant section; or in the superior course of the Roman catholic section."

Undoubtedly, all these regulations were kept out of the reach of the committee when they say: "There is nothing to indicate that there was to be one normal school for the protestant teachers and another for Roman catholic teachers but rather the one normal school for all."

For more ample information one may consult paragraph 2 of Father Leduc's important letter (appendix A.) fully corroborated by Mr. A. E. Forget, who writes to me, on the 1st March, from Regina:—

"My Lord,—In accordance with your grace's desire, Rev. Father Leduc has handed to me a copy of a letter which he addressed to you regarding our school questions in the Territories. The facts which he relates and with which my name is associated, are all fresh in my memory and as they are in accord with my own remembrances, I can without the least hesitation, corroborate them by my own testimony."

I strongly recommend the perusal of the whole letter of Mr. Forget, from which the above is quoted. It is attached to this memorial as appendix D.

It is but natural that the honourable committee should give a broad and favourable interpretation to clause 5 of certain regulations governing teacher's certificates and under the heading "persons eligible without examination." The three first clauses of these regulations established an odious distinction between the certificates issued in Ontario and Manitoba and certificates from the other provinces of the Dominion and from the British Islands.

Under clause 4 "the graduates of any university of her majesty's dominions may receive non-professional certificates.

The 5th clause states "that persons holding certificates of educational value from institutions other than those mentioned, may receive such certificate as the council of public instruction may deem them entitled to." The report of the committee says this, "clause 5 would appear to have been especially framed to meet the cases of those persons mentioned by the petitioners." The hopes of the honourable committee are dispelled by the illustration given by Rev. Father Leduc in the third paragraph of his letter (appendix A). The rev. father speaks from personal experience and his statement is perfectly clear and conclusive.

I here quote an extract from the letter alluded to by Father Leduc and addressed by Mr. James Brown to Rev. Sister Bond, Edmonton, on the 1st September, 1893: "Inspector Hewgill had no power to endorse the certificates when he visited Edmonton last spring. Endorsation ceased when normal school training was instituted. There has been but one way to secure professional certificates since midsummer, 1892, viz., by undergoing a training at a normal school."

Such an affirmation from the then superintendent of education, proves "this clause 5 would appear to have been framed" for somebody else than the members of teaching orders, even the best qualified; Rev. Mother Bond is unquestionably a teacher of the high school standing and experience.

The paragraph 4 of Rev. Father Leduc's letter (appendix A) gives another illustration of the position of the members of teaching orders. On the other hand, it is very refreshing to hear Mr. Haultain stating in his memorial: "that no member of a religious order teaching in the Territories to-day is affected by the normal school regulations."

Very well, then, for to-day, but clause 5, if it continues to be interpreted as it has been in 1893, will not free the members of religious orders from attending normal school sessions, where and whensoever the council of public instruction shall decide.

(*e*) Books.—The committee, in their observations about the selection of books, seem to forget that each section of the board of education had an action of its own in the selection of books, as well as in other matters. Mr. James Brown, secretary of the general board, was not the secretary of the catholic section and, consequently, the records kept by him cannot furnish complete information.

With regard to the selection of books in connection with the examinations of teachers, all the members of the board had equal rights. There is no doubt that the catholic members did all in their power to meet the views of their protestant colleagues, and I am confident that they were reciprocated; the members of the board did not meet purposely to disagree or systematically oppose one another; mutual concession, at no sacrifice of principle, was surely a good policy, specially as it was well understood by all and each member that they preserved their personal independence. An agreement was rendered possible by allowing each section the exclusive choice of their authors, on certain matters, and the exclusive conduct of the examination of their candidates on certain special subjects.

This seems entirely overlooked in the report.

As to the selection of text-books for pupils in the schools, it was altogether in the hands of the section; the respective members had only to agree among themselves.

All these rights are taken away from the catholics, and no choice whatever is left to them in the selection of books. Decidedly, I disagree with the committee when they affirm: "The committee cannot say that the complaint of the petitioners in this respect is well founded."

To support their views on the subject, the committee have thought proper to cite the following: "Mr. Haultain remarks that the council of public instruction was but following the example of the Roman catholic committee of the council of public instruction of the province of Quebec, which, he says, has ceased to use these "Metropolitan Readers."

I confess I was not prepared for such logic. The catholic committee of Quebec replaced the Metropolitan Readers by another series of catholic readers; therefore, it is said that the catholics of the North-west ought to be satisfied that the right they had to the selection of books for the schools has been taken from their hands and given to others who select the books they choose.

I admit that the value of such an argument is beyond my comprehension.

I invite those interested in the matter to fully investigate the subject, as stated in paragraph 5 of Rev. Father Leduc's letter (appendix A).

As for the allegation that the Rev. Father Caron has given his assent to the change of books in catholic schools, it is answered in the letter addressed to me from Regina, on the 24th February, 1894, by the rev. father, and which is attached to this memorial as appendix B.

Paragraph 8 of Mr. Forget's letter (appendix D), fully corroborates the vindication of Father Caron against the said imputation.

The taking from the hands of the catholic section the selection of text-books has been conducive to the practical suppression of French books and French teaching in the schools of the North-west. In connection with this deplorable result of the ordinance of 1892, I respectfully draw attention to a second letter from Rev. Father Leduc, dated Calgary, 26th February, 1894 (appendix C).

The change which has taken place since 1892, is made known in a very clear and forcible manner by paragraph 7 of Mr. Forget's letter (appendix D). No wonder that the author of the letter adds in paragraph 9: "As a practical result

we have then, at this time I address you these lines, monseigneur, the strange spectacle of catholic schools managed and inspected by protestants, and in which the programme of studies is fixed and the text books are carefully selected according to the advice of the protestant superintendent of education. Such is, in few words, the intolerable condition to which the catholic minority is reduced in the Territories by the ordinance of 1892, and the regulations prescribed by the council of public instruction since the said ordinance has come in force.

"Had not then the catholics a thousand times reason to ask its disallowance; and nobody could wonder at their deep disappointment on hearing that they have asked in vain."

(*f*) SEPARATE SCHOOLS.—The petitioners stated that: "the effect of the said ordinance, especially by means of the said regulations passed (or which may be passed) in pursuance thereof is to deprive the catholic separate schools of that character which differentiates them from public or protestant schools, and to leave them catholic separate schools in name only, and such, it is submitted, is its obviously necessary effect."

In answer to this complaint, the report of the committee quotes sections 32, 36 and 83 of the ordinance of 1892, by which "catholics as well as protestants have power to create separate schools under particular circumstances and to support them separately and exclusively." Decidedly, catholics as well as others possess thereby an advantage, and nobody denies it. The petitioners do not deny the existence of separate schools, but they affirm that they are reduced to a mere existence.

The condition of catholic schools is clearly established in this memorandum; the most objectionable (but not the only one) feature of the act is indicated by the petitioners when they say: "The ordinance complained of denies to the representatives of the catholic minority the management and control of catholic schools, so far as regards their general government and discipline, the selecting and prescribing of text books therein, the inspection of schools, the granting and cancelling of teachers' certificates."

In virtue of the same law the catholic schools are under the control and management of the council of public instruction in which no catholic has a vote. The selection of all books, both for teachers and pupils, is entirely in the hands of protestants, as well as the final training and licensing of teachers. The inspectors may be all protestants, and in all cases the examination must be conducted without consideration for catholic ideas. The council of public instruction and the superintendent may be protestant, freemason, Jew, agnostic, infidel, materialist, and they are the only two powers who can make regulations for the catholic schools; is it an excessive sensitiveness on the part of catholic parents and of their clergy to feel alarmed, and to respectfully demand from the federal authorities to cause the restoration of their schools to a condition that could justify the name by which they are designated?

(*g*) RELIGIOUS INSTRUCTION.—"The committee find that a material change has been made in the working of clauses 84 and 85 of ordinance 59 of 1888." The committee after stating the difference between the two ordinances with regard to the supression in the late ordinance of prayers in all schools, and the assimilating of all and any schools with regard to religious instruction, adds: "There are no provisions in the ordinance of 1892 in relation to religious instruction." Yes, unfortunately there are none. The ordinance has destroyed the character of the catholic schools, and it has no provisions on which it can rest securely.

To have a full comprehension of the condition made to catholic schools of the North-west, with regard to religious instruction, it suffices to remember the following points:

No prayer at the opening or during the class.

No religious instruction (even for the youngest children) except during half an hour before closing; just when the children are the most tired and when the shortness of the days, during the winter season, makes them restless and anxious to return home, and when the anxiety of the parents may determine them to urge the leaving of the school at the earliest possible time fixed by law.

No religious instruction is required from the teachers who may b
though entirely ignorant of the religious instruction they are expected
teacher may be antagonistic to catholic faith, and is answerable for his te
to the inspector and superintendent who may be as ignorant as himself,
disposed with regard to catholic doctrine.

Such is the condition to which the catholic schools are or may be r
North-west Territories. No wonder "that the change made in the ordin
has been such as to cause dissatisfaction and alarm on the part of th

(*h*) THE MAIN COMPLAINT.—The want of information is the re
report says: "The committee of the privy council have not ascertai
act done or regulation made by the council of public instruction under
of 1892 is contrary to the right or interest of the minority in the
More information, and easily obtained, would have modified some of th
as expressed in the report. It is gratifying, nevertheless, to ascertain t
spite of the want of complete information, the committee recognize
reason which determined the petitioners to request his excellency th
general in council to apply a remedy both against the actual difficulti
future dangers obviously contained in the law of 1892; the report says: "
seem that the real complaint of the petitioners is that the right and int
themselves, and of those who share their opinions and interest, are not lik
be appreciated and safeguarded by a council of public instruction in which
are not represented by any person fully acquainted with and showing th
interests and having the right to vote."

The fact is that the ordinance itself is the main blow struck at catholic schools and the fountain from which may spring, at any moment, the most objectionable regulation and to which catholics would be obliged to submit. The contentions of Mr. Haultain, so cleverly defended in the report of the honourable committee, far from altering my convictions have strengthened those which I expressed in letters written on the occasion of a telegram received from the right honourable the premier of Canada, and dated Ottawa, 1st January, 1894.

The letters are in no way confidential, nevertheless I had no intention of publishing them if they had not been alluded to in the public prints. Here is the first letter:

"ST. BONIFACE, 2nd January, 1894.

"RIGHT HONOURABLE AND DEAR SIR JOHN,—Your telegram was received last night, and I hasten this morning to answer both by telegram and letter.

"I have not a copy of the full text of the regulations made under the ordinance no. 22, A.D. 1892. I see the utility of that document to show an instance of what can be done in virtue of the ordinance itself, so I write and telegraph to Regina to obtain what I desire.

"Permit me to state that such regulations are but an instance of what can be done. Even if such regulations had been delayed, it would prove nothing in favour of the ordinance, though the regulations themselves add to the conviction of the danger contained in the ordinance. The fact is that, on the strength of the said ordinance, the catholics are altogether in the hands of the open adversaries of their schools, and if the ordinance is allowed to go on, it is merely and simply the sacrificing of the rights, privileges and practice of the catholic population, and that even in communities exclusively French and catholic.

"The dangers of the ordinance of which we complain are so obvious that at first we thought it was unnecessary to petition for its disallowance, and that the government would prevent its coming into force. It seems impossible that the ordinance would escape its notice.

"Now that we have petitioned, let us hope that we have not done so in vain. The catholics are weak in the North-west, and that but increases the obligation of the government to protect them.

"With the most profound respect and esteem,

"I remain your obedient servant,

"ALEX, *Arch. of St. Boniface, O.M.I.*"

ts asked for by the right
letter :—

4th January, 1894.

nclose three documents
ceive therein that no
North-west above the

others, are obliged to
in the normal school.
has the power to do

ordinance of the North-
amendments to the said

North-west is the result of
the difficulties and adding
rench who have been the
f this injustice is allowed to

d esteem,
obedient servant,

X, *Arch. of St. Boniface, O. M. I.*"

ar features of the old system, the petitioners
entire harmony and to the general satisfaction of
work of education in the territories." The report of
quoted the above passage added sneeringly: "It was under that system that the regulations now objected to were made." The thrust, sharp as it looks, is not after all so incisive, for the simple reason that the assertion is erroneous and ungrounded both in fact and as a deduction.

(*i*) PETITIONS.—The report says: The petitioners seem to have considered "they could hardly ask with confidence for disallowance of the ordinance;" and this assertion is based on the fact that the prayer of the petitioners had an alternative. I can assure the honourable committee that the petitioners were entirely satisfied that they could ask with confidence for disallowance and if they prayed with an alternative it was for another reason. They cannot help but think that they are badly rewarded when demanding their rights for having stated that they would accept the mean selected by the government, providing it was radical and efficacious. They first humbly prayed that his excellency may be pleased to disallow the ordinance, and secondly (but it appears wrongly for their interests), they appealed to his excellency in council and prayed that the legislative assembly and council of public instruction be ordered and directed to repeal or amend the said ordinance and, because they used such an alternative, the report does not hesitate to say that "the petitioners seem to have considered that they could hardly ask for disallowance." I take the liberty respectfully to remind the honourable committee that their observation in no way applies to one of the petitions, as it is unjust with regard to the others.

In forwarding to the governor general in council other petitions entrusted to me for transmission, I added my own petition in the most concise terms possible and this is how it reads: "I join my humble request to that of the petitioners to pray that a remedy should be applied to the inconvenience complained of. The intention of depriving the catholics of their rights, in matters of education, and of abolishing the use of the French language, especially in the schools, is so manifest that, unless it is checked at once, the injustice will be perpetrated.

"Surely it cannot be the will of the governor general in council to permit such a violation of the law which has organized the territories.

"I hope, therefore, that the ordinance and regulation complained of will be disallowed and your petitioner shall always pray.

ALEX, *Arch. of St. Boniface, O. M. I.*"

I was so entirely satisfied that the honourable the privy council would easily perceive the danger of the ordinance, that I thought it at that time useless to help them by pointing out such dangers.

The report of the committee is correct in stating that: "an appeal in the sense of the British North America Act, referring to appeals to the governor general in council on matters affecting education in the provinces of Canada, is not established as regards the Territories." This disposes of one of the alternatives mentioned in most of the petitions, it destroys the alternatives so that the demand for disallowance is thereby the only one prayer to be considered. The honourable committee does not deny their right to comply with that prayer. They merely glide over it and nothing of that which was demanded is granted. The two refusals, one through want of power, the other through want of will, do not nevertheless satisfy the committee and they quote the North-west Territories Act, invoked by the petitioners, as an acknowledgment that in reality the catholics of the North-west have a right to their separate schools, and that it is to be regretted that such rights have been trespassed upon by the ordinance complained of, and "they feel confident that any suggestion having his excellency's authority would be given all proper consideration by the assembly and by the council; and they advise that communication be made to the lieutenant governor of the North-west Territories, urgently requesting that the complaint set forth by the petitioners be carefully enquired into, and the whole subject be reviewed by the executive committee of the North-west assembly, in order that redress may be given by such amending ordinances or amending regulations as may be found necessary to meet any grievances, or any well founded apprehension, which may be ascertained to exist."

Let us remark that the urgent request is addressed to the very men who have caused the whole difficulty, and that their leader has already boldly and officially affirmed there are no "grievances or any well founded apprehensions" that the catholics can point out. Time alone will show what will be the result of such an indefinite and uncertain policy.

(*j*) CONCLUSION—Meanwhile the seed of fanaticism and religious persecution is planted in the plains of the North-west; it is carefully cultivated at Regina, surrounded and protected by parliamentary enactments and official cares. The obnoxious seed has already obtained the proportion of a large tree. By order from Ottawa it could have been eradicated; but no, it is allowed to grow under the simple advice to cut off its longest stems, if thought to exceed proper dimensions, to graft on its coarse trunk some better shoots, from which could be gathered fruits less offensive to the taste of individuals and less dangerous to society.

I have read the report with a deep feeling of surprise and pain; it may be perhaps considered as a clever piece of pleading against catholic interests, but I regret excessively to be prevented from considering it as a complete statement of the case or an impartial judgment of the same. The report is largely a mere endorsation of Mr. Haultain's views, though it does not require the well known ability of the members of the committee to ascertain that the memorial of Mr. Haultain can, in a great measure, be easily refuted by the very text of the two ordinances spoken of.

I easily understand that, at a distance, without full practical knowledge of the details and the working of the two school systems, some errors could have found their way in the report, in spite of the best will; but what I cannot understand is that the catholics have been kept in complete ignorance of Mr. Haultain's assertions against their petitions. No one was condescending enough to inform the venerable Bishop Grandin, or those who represented him, or any of the representatives of the catholic population, of what the chief of the executive at Regina had communicated

to Ottawa; documents and views which have been all n
and without giving to the interested parties the least

The petitions of the catholic laity were all s
elected by catholic ratepayers as trustees for
whom are natives of the country, who are n
treatment than any other portion of th
acutely the change which has taken pla
Canada. The other laymen, signers of
have been induced to come into the c
their separate schools, where their c
convictions and instructed in their
are refused the protection to whic

Two of the petitions were si
furnished over two hundred yea
and who have grown old amids
able in a country in which the
seven years ago I began to tea
erend Father Lacombe did t
Grandin busied himself the su
forth. The devoted sisters of
for more than thirty-five yea
the favour, if not the justice, t
request. The petitioners ha
ciating the nature of their co
in stating that they themselve
of giving the sufferers a chanc
are endorsed and given public
Newspapers, furnished with offi
to direct that public opinion. E
vent, they quiet themselves and e
question of sentimentalism?" Tr
the exclusion of sentiments. The s
human organs, draws its solidity fro
weakly and slowly, the brain loses p
Wisdom itself knows how to harmonize
of the world. The minority and those w
treated in a very different manner without t
excess of sentimentality.

What precedes was written when I was ma
the Hon. Judge Rouleau of Calgary, to a minister o
been, for years, member of the old board of education a
he is perfectly well posted on the law of 1888 and able to a
changes brought upon catholic schools by the ordinance of 1892.
knowledge of all the details, supported by his proficiency in law, gives particular
weight to his opinion. With his permission, I here insert copy of his letter:

"CALGARY, 30th May, 1893.

"DEAR SIR,—At different times my attention has been especially called on the school ordinance passed at the last session of the legislative assembly of the North-west Territories.

"After mature examination of this ordinance, I have come to the conclusion that it is *ultra vires* of the powers of the legislative assembly for, among others, the following reasons:

"1. Because it is not provided by the said ordinance that the separate schools should be governed and controlled by the minority, but that they are in fact controlled and governed by the majority; in a word, we have no separate school system, such as provided by the spirit of the law, chap. 55, section 14 of the Revised Statutes;

"2. Because the section 83 of the said ordinance no. 22 of 1892, provides that the English language be compulsory and taught in every school; what is contrary to the spirit of section 110 of c. 50 Rev. Sts. amended by section 18 ch. 22, 54-56 Vict., 1891;

"3. Because the section 32 of the said ordinance (1892) is in contradiction to section 14 of the North-west Territories Act, (ch. 50 R.S.) in that it limits the rights of the minority more than it is limited by the said section 14.

"But of course the principal objection of the catholics to the school ordinance is the absolute control, the choice of text books, the schools inspection, etc., by the protestant majority.

"The separate schools exist now but in name; they do not exist in fact.

"For the above reasons it seems to me that the federal government should disallow this ordinance on the shortest possible delay, and thus prevent grave injustice towards the catholic minority.

"I have the honour to be your obedient servant,

"CHARLES B. ROULEAU."

PART SECOND.

WHY AND HOW MUCH I REGRET THAT THE HONOURABLE THE PRIVY COUNCIL HAS ACCEPTED THE REPORT OF THEIR COMMITTEE AND PASSED AN ORDER IN COUNCIL IN CONFORMITY WITH THE SAME.

I shall surprise no one by stating that I deeply regret the order in council which has accepted the report of the committee reviewed in the first part of this memorial. I regret this act of the federal government because, as I have proved it, it rests on incomplete and erroneous data, from which it draws conclusions that cannot be admitted. I regret that act because it consummates a crying injustice and constitutes a real danger for the institutions by which we are governed. I am the metropolitan of the ecclesiastical province in which are situated the Territories of the North-west. I am the bishop of a diocese which embraces all Manitoba and most of one of the districts of the North-west; Regina, the capital, is within the limits of my jurisdiction; it is evident, therefore, that I do not exceed my functions. I merely claim the right of my flock, in raising my voice in favour of schools in which I could feel assured that the catholic children would receive an education in accordance with the faith of their parents and the teaching of their church.

While accomplishing my duty as a pastor of souls, I am sure not to astonish the honourable the privy council at Ottawa by stating that I have the right, nay, the obligation of acting within the lines traced for me by the civil authorities of my country when I was asked by them to co-operate in the settlement of the difficulties which had arisen at Red river, previous to the entry of the North-west into confederation. I request therefore to be heard, not only on account of my position in the religious order, but also on account of the position assigned to me in the political order. I cannot have been used as a medium of pacification, during the difficulties of 1870, and be obliged, to-day, to remain a silent witness of the violation of the promises which, more than anything else, secured that pacification.

As a general proposition, I say without hesitation that what is now going on in Manitoba and the Canadian North-west, with regard to schools, is a flagrant and unaccountable violation of the assurances given to the catholic population of these vast countries. Such assurances were entrusted to me for transmission, precisely because I was the chief pastor of that population. My episcopal character did not prevent the civil authorities asking my aid in a settlement of political difficulties; and I claim the political mission I have accomplished should strengthen my voice when I state that the population was deceived when asked to accept an agreement which it would have repudiated in a very energetical way if it could only have suspected what is going on to-day.

To render my contention clearer, I must first relate a few facts. In March, 1869, the conditions of the transfer of the Territory of the North-west to the new Cana-

dian confederation was settled between the imperial government, the commissioners of Ottawa and the Hudson's Bay Company. In the course of that negotiation the inhabitants of the country were entirely ignored. Later on, Lord Granville in his despatch to Sir John Young, governor general, cautioned the government of Canada: "that the old inhabitants of the country will be treated with such forethought and consideration as may preserve them from the dangers of the approaching change." This wise advice was not acted upon; on the contrary, such measures were taken that Lord Granville in a despatch, dated the 3rd November, 1869, did not hesitate to state: "The Canadian government have by this measure given an occasion to an outburst of violence in the Territory." The noble lord added afterwards: "Those proceedings have certainly enhanced the responsibility of the Canadian government." The imperial authorities, in consequence of the dissatisfaction of the people, took on themselves a closer direction of affairs, in order, according to Lord Granville's words: "to exhaust all means of explanation and conciliation before having recourse to force." To comply with such direction the Canadian government asked Vicar General Thibault and my friend Mr. DeSalaberry to proceed to Red river, in order to calm the apprehensions of the people. Sir Donald A. Smith received a commission under the great seal of Canada, and started for Fort Garry to use his salutary influence as mediator, and to turn towards that end the resources of his ability and the means that his exalted position placed at his command.

I was then at Rome, enjoying the happiness that the grand and imposing ceremonies and deliberations of the ecumenical council of the vatican could procure to a bishop devoted to his church, when a telegraphic despatch called me to Ottawa. Owing to the importance of the summons, the sovereign pontiff dispensed me from the ordinary rules of the council for obtaining leave of absence. His holiness granted me a private audience, blessed my mission and myself and added with emotion: "I bless the people of the Red river, on condition that they will listen to your advice and live in peace and charity." I left the eternal city on the 12th January, 1870. On my meeting Sir George Cartier in Montreal, he said to me, with his usual frankness: "I am happy to see you. We have blundered, and you must help us to undo the mischief." I proceeded with him to Ottawa, and remained in the capital some ten days. I often met the governor general and his ministers. His excellency called me to several private audiences, either alone or with some of his advisers. I had an interview with the whole ministry, and several with its leading members. After I had been made well acquainted with all the circumstances of the case, my departure for the North-west was fixed for the 17th February. The day before leaving, I had the honour of a long interview with the governor general. His excellency handed me the following autograph letter:—

"OTTAWA, 16th February, 1870.

"MY DEAR LORD BISHOP,—I am anxious to express to you, before you set out, the deep sense of obligation which I feel is due to you for giving up your residence at Rome, leaving the great and interesting affairs in which you were engaged there, and undertaking in this inclement season the long voyage across the Atlantic, and long journey across this continent for the purpose of rendering service to her majesty's government, and engaging in a mission in the cause of peace and civilization.

"Lord Granville was anxious to avail of your valuable assistance from the outset, and I am heartily glad that you have proved willing to afford it so promptly and generously.

"You are fully in possession of the views of my government, and the imperial government, as I informed you, is earnest in the desire to see the North-west Territory united to the Dominion on equitable conditions.

"I need not attempt to furnish you with any instruction for your guidance beyond those contained in the telegraphic message sent me by Lord Granville on the part of the British cabinet, in the proclamation which I drew up in accordance with that message, and in the letters which I addressed to Governor McTavish, your vicar general, and Mr. Smith.

I wrote
ar
tion
otherw
North-we
The

have complaints to make, or wishes to explain,
s to me, as her majesty's representative, and you
fence, that the imperial government has no inten-
perfect good faith towards the inhabitants of the
rely that respect and attention will be extended to
ions; that title to every description of property will
franchises which have subsisted, or which the
to exercise, shall be duly continued and

on of her majesty's cabinet, you may
ight shall be done in all cases.'
ey and success in your benevolent

faithfully yours,

"JOHN YOUNG."

temerity on my part in
t the manifest violation
d of the North-west on
s long as a proper and
the social equilibrium
: 1. Of the violation
; 3. Of the abandon-

or general in Ottawa,
t his word as a sure
onsible ministers, but
een, having received
ct.
ling to his proclama-
p in accordance with
yet been promulgated
e request to make it as
ulation. His excellency
uthority I do assure you
s rights and privileges will

also that the governor was
he could not have said to
se of obligation which I feel is
me for the purpose of rendering
llency let me know that my services
onies, and he wrote: "Lord Granville
tance from the outset and I am heartily
ord it." Alluding to our long and numerous
"The imperial government, as I informed you,
e North-west Territory united to the Dominion on
e imperal government has no intention of acting otherwise than in perfect good faith towards the inhabitants of the North-west."

His excellency was so anxious that I should persuade the people that they had nothing to fear, on account of their religion, that, in his letter to me, he added a new promise to the assurance given in his proclamation. In that letter, we read "By her majesty's authority, the people may rely that respect and attention will be extended to the different religious persuasions."

If the proclamation issued by the representative of our beloved queen, in her name, and framed by special direction from a minister of her majesty; if the letter addressed to me, to corroborate his excellency's most solemn assurances, given "by

her majesty's authority;" if all that means anything and is not purely idle talk, it means that: at the union of this country with Canada all religious rights and privileges of the different religious persuasions would be treated with respect and attention.

The catholic populations of her majesty's domain were not to be excluded from such advantages; the proclamation was specially intended for them, as well as the letter addressed to me.

Now, the religious convictions of the catholics, with regard to the education of children, are well known; they are the same in all countries and at all times; they are such that the faithful and their pastors bear all sorts of expenses and annoyances rather than to desist from them.

A catholic population does not enjoy full religious freedom when impeded from having schools in accordance with their own ideas or convictions. This was well known to the governor general of Canada when he promised respect and attention for our religious persuasions, when he assured the catholics that their religious rights and privileges would be respected. It would have been a mockery to add that there would be no protection for catholic schools. That mockery, the catholics have to bear it now, both in Manitoba and in the North-west. Respect and attention are extended to the different religious persuasions, except to catholics; so much so that protestants are granted schools that satisfy them while the catholics are refused the same privileges; their schools are surrounded with difficulties on account of religious convictions.

In 1890, the government of Manitoba thought of a law which would modify both the protestant and the catholic schools to such an extent as to assimilate them all, by banishing all religious instruction. The attempt failed, as far at least as protestant schools are concerned. These schools remained what they were, plus the obligation for catholics to help in their support. The catholic schools, on the contrary, ceased to be recognized; they are deprived of their ligitimate share of government grant; they are even deprived of all legal means of securing any help. If the catholics of the province do not accept the system viewed with so much favour by the protestants, all catholic school properties in the province are to be confiscated and handed over to municipalities, in several of which the catholics have no action but that of paying their taxes, not only the general municipal taxes, but also the taxes levied for the support of protestant schools.

Such is the respect and attention extended "to one of the different religious persuasions" in Manitoba.

In the first part of this memorial, I have shown, under its true light, the condition of catholic schools in the North-west under the ordinance of 1892, which the government at Ottawa has just declined to disallow. More cautious than the government of Manitoba, the government of the Territories has left the catholic schools in existence, but it has deprived them of what constitutes their true character and of their freedom of action.

The new school laws of Manitoba and of the North-west are a plain and manifest violation of the assurances given by her majesty's authority and in her name.

The catholic persuasion "far from receiving the respect and consideration promised to the different religious persuasions," is deprived of rights and privileges which ought to be considered natural and inalienable in a country which boasts of religious equality and of freedom of conscience.

The governor general wrote to me: "In declaring the desire and determination of her majesty's cabinet, you may safely use the terms of the ancient formula: right shall be done in all cases." I used the terms, they were respected for twenty years in school legislation, but since 1890 the lie is given to the formula.

I know, better than any one else in the world, the impression I was asked to convey to the dissatisfied people of Red river, and now that the assurances then given are not taken into account, I strongly protest against such injustice and violation of the promise said then to be formulated by royal authority.

(2.)—Sacrifice of federal autonomy.—Nowadays, it is often spoken of provincial autonomy and of the obligation for the central power to respect the rights

of the confederate provinces. This is both just and necessary for the working of our political institutions; on the other hand, this cannot mean that provincial authorities are almighty and absolutely independent; that they have everything under their absolute control, even the question of general interest and obligations incurred previous to the formation of the same provinces.

The federal power is endowed also with autonomy and it has the right and obligation to safeguard this autonomy; in order to maintain its entirety. Such a duty does not free the Dominion from colonial tie, nor does it free its legislation from the imperial veto and does not constitute it as an independent state. Restrictions, rightfully established and carefully exercised by a superior authority, are not an encroachment on the rights of an inferior power, specially when the latter owes its existence to the very same restrictions. Such notions are elementary; nevertheless, I consider them as necessary to catch the real meaning of what I have to say.

In the beginning of 1870 there was no province of Manitoba, no government in the North-west Territory. Canada itself possessed nothing, and had absolutely no jurisdiction in these vast countries.

Forgetful of the restrictions of federal autonomy, Canada went beyond its jurisdiction and thereby gave occasion to difficulties in the Red river country, which at the time was purely and simply a British possession; the Hudson Bay Company having, on consideration, desisted from its pretensions or rights. The imperial government was willing to transfer the country to Canada, on the conditions stipulated in 1869, but moreover, on certain other conditions determined by the insurrectional movement, which had been caused by Canada's premature entrance in the country.

The North-west was not to enter into confederation as a conquered land. "Troops should not be employed in forcing the sovereignty of Canada on the population of the Red river, should they refuse to admit it." (Sir F. Roger's letter, 22nd March, 1870.) Having not to conquer, Canada had to resort to negotiations to secure the admission of the North-west into her confederation and to accept decision of her majesty's government on all portions of the "Settlers' Bill of Rights," in order to satisfy the delegate who had been called to negotiate. The negotiations were unquestionably binding on both sides on the points agreed to, otherwise they could not be called "negotiations" or "understanding as to the terms on which the settlements on the Red river should be admitted into the Dominion."

On the 3rd of May, the governor general was able to telegraph to Lord Granville: "Negotiations with the delegates closed satisfactorily." All that was to be and was done without trespassing on the autonomy of the dominion of Canada; but all that could not be done without imposing on Canada new and special obligations, that she would have to respect and cause to be respected, throughout the country she was to acquire, and in the different provinces and territories that she might think proper to circumscribe therein. These obligations, on the part of the federal government, cannot be considered as an encroachment on the rights of the province of Manitoba or of the territories of the North-west, as they were accepted by Canada, even before the creation of Manitoba and the organization of the Territories.

Otherwise, it would be just as well to say that Ottawa is acting against the autonomy of the prairie province and the Territories by the appointment of lieutenant governors, the establishment of post offices, the collection of dues, etc., etc.

Suppose that the legislative assemblies at Winnipeg or Regina take the fancy to pass laws enacting, some way or other, about the above mentioned matters or some similar, would Ottawa hesitate for a moment to disallow such enactments, and if the people were complaining of the violation of their rights, it would not take a long time to tell them that rights imply obligations and that the federal government had to protect its own autonomy; disallowance being merely one of its prerogatives. The federal government would have thousand times reason to resort to such self-protection, as it is a thousand times wrong in neglecting its obligations. Obligations are in reality more sacred and more imperative than the revendication of a right. Authority can desist from a legitimate claim, but it cannot do lightly with an obligation.

Let us now consider what are the obligations of the federal government, with regard to education in the countries which have been the object of the negotiations of 1870.

The delegates of the North-west carried to Ottawa and supported a certain bill of rights. The 7th article related to schools, and demanded separate schools and an equitable distribution of school money, in order, according to the governor general's expressions: "that respect and attention would be extended to the different religious persuasions."

No objection was made against this proposition of the delegates. On the contrary, they were assured that it would be carried out, and on both sides it was considered as a condition of the entry of the North-west into confederation. Otherwise the governor general could not have produced to the satisfaction, which was experienced and expressed by the imperial government and caused by the telegram of the 3rd of May stating: "Negotiations with the delegates closed satisfactorily."

Therefore, the delegates asked for separate schools, which would have the right to share in school appropriations; the request was accepted favourably by the ministers who were negotiating in the name of the Canadian government.

Lord Granville, in the name of the imperial government, wrote Sir John Young on the 18th of May, 1870:

"I take this opportunity of expressing the satisfaction with which I have learned from your telegram of the 3rd instant that the Canadian government and the delegates have come to an understanding as to the terms on which the settlement on the Red river should be admitted into the Dominion." These facts cannot be denied except through a complete ignorance of the negotiations.

I know the objections brought forward against my assertion, but they have no weight nor value. For an instance, it is said that the delegates were not the representatives of the people of the North-west; this objection is absolutely futile since the Canadian government recognized them, negotiated with them with the knowledge the approbation and the satisfaction of the imperial government.

They also affirmed that the "bill of rights, framed at the public convention, made no reference to schools; that the schools were not spoken of at the convention." This other error does not stand before the knowledge of facts.

Sir Donald A. Smith, Canadian commissioner at Red river during the disturbance, is unquestionably a reliable witness of what occurred at the convention in which he took so prominent a part, and which gathered at Fort Garry, twenty representatives of the English population and twenty of the French. The report of Sir Donald A. Smith was printed in the Sessional Documents no. 12, 1870. Sir Donald recognizes that the statement published in the journal the *New Nation* is fairly exact. Then the *New Nation* reports the 9th article of the bill of rights as prepared by the committee of the convention, and which reads as follows: "Article 9th, the sum of $15,000 a year be appropriated for schools, etc."

A discussion ensued, and Mr. K. McKenzie, seconded by Mr. Riel, moved that the amount be $25,000. Mr. McKenzie's amendment carried, and the article as amended was adopted on a division: yeas, 27; nays, 9.

In consequence, the bill of rights submitted to the Hon. Mr. Smith demands in article 9th, that "the sum of $25,000 a year be appropriated for schools, etc.;" and the answer of the honourable Canadian commissioner was: "I feel quite certain that an amount, even exceeding that here mentioned, will be appropriated for the purposes referred to."

It is evident, therefore, that the schools were referred to in the convention, that a yearly appropriation for that object was put in the bill of rights, framed by the same convention; and that the honourable Canadian commissioner did not hesitate to assure the people that their request would be more than complied with by the Canadian government.

True, it was not spoken then of separate schools, but the circumstances implied necessarily schools of that character, because there were no other schools in the country, and I dare say that no other were thought of at the time, either by protestants or catholics; and if the proposition of depriving the catholics of their legiti-

mate share had then been suggested it would have been repudiated without hesitation by all.

The 7th article of the bill of rights, considered at Ottawa, was no contradiction to the request of the convention, it merely and simply gives the true meaning of the convention's request with regard to schools, and I repeat it, it was understood and accepted as such by the negotiators.

I do not ignore that the Manitoba Act has been unfavourably interpreted, nevertheless, and notwithstanding my respect for and submission to the courts of my country, I do not hesitate to state that the question is not settled in a just and satisfactory manner. I wish to be understood.

The courts have pronounced simply on the interpretation of the words of the law; they have not examined the other aspects of the question. It is evident that the wording of the 22nd clause of the Manitoba Act has not been able to command the unanimous opinion of the learned authorities who have pronounced on it. The first sub-clause has been examined by the highest tribunals of Manitoba, Canada and England, with the following results: The court of queen's bench has pronounced unfavourably to the minority, three judges being against and one in favour. The five judges of the supreme court of Canada have been unanimous on an interpretation of the law favourable to said minority.

Therefore, in Canada, six out of nine judges have decided that the law which in reality had been passed to protect the minority, is clear enough to attain its object and the intention of the legislators.

The cause having been brought before the judicial committee of the privy council met with defeat. I am told that the judges were not unanimous; if so, the cause of the minority is supported at least by half of all the judges who have given their interpretation.

The diversity of opinion between the tribunals and between the members of some of them is not an inducement for the minority to view with satisfaction a result depriving them of rights guaranteed by the negotiations and which have been recognized as certain during twenty years after the creation of Manitoba. One is compelled to acknowledge that human justice is very uncertain and that human laws are often badly defined.

The opinion of the supreme court of Canada has been asked for by the federal government on certain special points indicated by the government, and outside of many considerations and facts which command attention in a cause so important to the welfare of the minority. Here again the opinions differ, and the learned judges do not agree on the meaning of the law and its applications. Six questions were submitted for opinion. On one point, three judges out of five gave an opinion favourable to the appeal by the minority; on the five other points, three out of the five judges decided against that appeal. What will now be done? The opinion of the board is not binding, and the government remains with its responsibility, and the parliament with its power. What will now be the action of the friends and adversaries of freedom of teaching? The sacred cause is just now in a very alarming condition, both in Manitoba and the Territories, and this condition of affairs, I cannot help repeating, is diametrically opposed to the intention of the legislators who enacted the laws which are now interpreted against the minority, though they were expected to protect the same minority.

There cannot be two opinions concerning the intention of the legislators at Ottawa in voting the school clause of the Manitoba Act, 1870. All proves, evidently, that the object of that legislation was to protect the minority, either protestant or catholic. Every circumstance connected with that legislation points out in that direction; the negotiations asked for by the imperial and Canadian government to arrive at an understanding which satisfy the people of the North-west and dispel their apprehensions; the request of the delegates asking for separate schools; the satisfactory answers given to the delegates; the promises of the government; the very fact, under such circumstances, of the introduction of a school clause in the Manitoba Act; the discussion in parliament with regard to the same clause; all, absolutely all, prove that the legislators were bound and willing to secure a protec-

tion for the minority in matters of education. The opinion here expressed has been fully endorsed by many eminent men, who took part both in the framing and discussing of this clause, and all are unanimous in stating that the clause was intended to protect the minority.

Let an investigation take place, and I am sure that there is not a single witness that would dare to come and on oath declare that the law as passed was in no way intended to secure the protection demanded. On the contrary, there are many witnesses who would unhesitatingly give sworn evidence that the clause 22 was introduced into the Manitoba Act and was voted with the certainty that the said clause would secure to the minority of the new provinces rights acquired before or to be acquired after the admission of the country into the Dominion. To deny this is simply to close one's eyes to the evidence. To refuse to draw the natural conclusions that such evidence dictates to all political parties, to all classes of citizens of whatsoever origin or creed, is a criminal abandoning of an imperative obligation.

But, some would say, the law is not clear, the judges do not agree in its interpretation. Well, if the three branches of the legislature at Ottawa have failed to express themselves in a way that could be interpreted in accordance with their view, let them remedy the mistake and legislate to-day according to the intention which had determined the legislation of 1870, but for peace sake, let the injustice be removed as well as the clause of the constitutional act of Manitoba, which is worse than a dead letter and which would be the disgraceful monument of a legislative blunder, if the judicial decision continue to affirm that such law does not only mean nothing in the sense of protection, but moreover, that it deprives the minority of the province of Manitoba of all the immunities granted to her majesty's other Canadian provinces by the imperial act of 1867 (clause 93).

There is surely wisdom enough in the country to enact a law expressing clearly what it is intended to mean. As the matter stands now, the minority is in much worse condition in Manitoba than in any other province; the catholics have lost the beneficial practice by which schools were recognized and helped for the fifty years previous to their entry into the Dominion; the assurances given to determine them to join the confederation are disregarded; they are deprived of all the rights and privileges they have enjoyed by the law since the reunion with Canada till 1890. Bad and unjust as all this is, it does not satisfy the persecutors. A new enactment passed during the last session, and sanctioned last Friday by the lieutenant governor of Manitoba, has decreed the confiscation of all catholic school properties and houses, though acquired and built exclusively by catholic money, unless the oppressed population submits blindly to what is done or may be done in their own schools, contrary to their religious convictions. Can it be possible that all this is to be tolerated?

In the North-west Territories, the letter of the law is allowed to stand; separate schools have their existence, pending their entire and complete suppression. The ordinance and those by whom it is administered have taken from the catholic schools all that could characterize them as such, and the spirit of federal law is violated in the more open and arbitrary manner and, on false information, Ottawa has decided that there was no reason to disallow the ordinance of 1892; besides the catholics are told that in reality and practically the ordinance takes nothing from them.

The persecution against catholics is tolerated under the pretense of respect for provincial or territorial autonomy. What about federal autonomy?

The dignity and prosperity of a self-governing country does not consist merely in the protection of its rights and privileges, but also in the accomplishment of its duties and obligations. The government is the judge of the degree of self-protection it can or ought to secure. On the other hand, those in favour of whom it has contracted obligations have the right to claim their fulfilment; the voices of the sufferers cannot be stifled without inconvenience not only to themselves but also to the central power; Canada cannot tolerate injustice without abandoning the exercise of its rights and the fulfilment of its obligations, and that is what I call the sacrifice of federal autonomy.

(3.)—ABANDONMENT OF THE MINORITY TO THE VEXATION OF THE MAJORITY.—To any British subject it ought to be sufficient to have demonstrated that the rights of the catholics to their separate schools in Manitoba and the North-west have their foundation in the honour of the empire which has been engaged by the assurances given officially in the name and by "her majesty's authority."

To any Canadian worthy of the name it ought to be enough to have proved that the most elementary justice commands the respect of the conditions which have been stipulated and to which Canada has been a party; having consented to the terms without which she would not be to-day in possession of what constitutes the half of her domains.

To this consideration of a special and of the highest character I can add other motives which are, it is true, of common application, but nevertheless not without importance. I say that the minority ought not to be badly treated precisely because it is the minority, and that in all well organized societies, as well as in all well conducted families, there must be a protection for the weak. A father of a family knows how to interpose to protect his younger children against the bad treatment of the older ones. The grand neighbouring republic has not hesitated to enter into a long and bloody civil war to protect the coloured population of the southern states. How can Canada remain an idle spectator of the sufferings of a class of her children who claim protection?

Let every one ponder the disastrous consequences which may be entailed by the principles invoked to-day against us. The Canadian confederation is in its twenty-seventh year of existence, and Manitoba in its twenty-fourth, and in this province catholics are already ostracised; not only are they deprived of their legitimate share of the school endowments, but the taxes levied upon them are for the benefit of schools conducted contrary to their convictions. More than this, their school properties are confiscated, properties acquired by their own money without any help from outside; and Ottawa permits it to go on! Where is the country going to under such a system?

To-day it is the spoliation and arbitrary confiscation; to-morrow it may be imprisonment, and if the majority so wishes, as it says it cannot be controlled, it may be that the next thing will be banishment or the re-enactment of penal laws. Manitoba has already seen the outlawry of one of its children, to whom protection had been promised.

It may be admitted that it is a dangerous game to disregard minorities, to the extent of considering them as an insignificant quality which is not to be taken into account.

A pin is the smallest of toilet articles: used properly, it may add to the elegance and comfort of a dress, but if the little article is incautiously placed under the heel, it may turn up to the discomfort of the imprudent, who uses it that way, and his walking will certainly be impeded, even if he is the most elegant and fast walker. If he persists in disregarding his mistake it may be the cause of muscular disorders, followed by the most disastrous consequences. Something similar may occur in a social organization.

A minority, small and weak, as it may seem, has always some influence. Treated with justice and consideration, it may add, and will surely add, to the strength and honour of its country, but if the same minority is despised, and if, instead of being allowed its proper place, it is crushed underfoot, a different result may be expected.

After all the oppressed minority is not so numerically insignificant as people seem to think. In Manitoba, and more so in the North-west, the catholics are, in proportion to others, more numerous than the protestants are in proportion with the catholics in the province of Quebec. If I am not mistaken, there is, in the opinion expressed lately in the supreme court, something which could be applied to the province of Quebec, in the same way as too many are pleased to see it applied to Manitoba. I know that the majority in Quebec will never attempt to deprive the minority in that province, in the matter of education, of anything appertaining to the religious convictions of the said minority. I am proud and happy that the

well known dispositions of my countrymen and co-religionists inspire me with such conviction and trust.

If, although impossible, the majority of Quebec should think of depriving the protestant minority of the rights and privileges acknowledged previous to its entry into confederation, and which have since been recognized by provincial laws, yes, should such a proceeding be attempted, we should experience the most violent commotion ever seen in the country. From Halifax to Victoria, from l'Isle de Sable to Charlotte island, by water and by land, everything and every one would be put into motion to protest against the injustice, the bad faith, the encroachments, etc., etc. The excitement would be such that there would be no delay in Ottawa to disallow the provincial law. Then, the provincial autonomy would have to retreat before the federal autonomy, and that would be right, and the catholic Canadian bishops would be the first to join their voices to that of the protestants of Quebec, to the demand that the latter should be treated with justice.

How is it then, that a similar attempt is so differently considered, when directed against the minority of Manitoba and the North-west? Alas! the sole possible explanation is that there are two weights and two measures, according to the violence of the cries, or to the disposition of those to whom weight and measure are applied.

The last general census for the Dominion, registered, in round figures 2,000,000 catholics and 2,800,000 non-catholics, protestants and others. The difference is large, but is it large enough to justify the opinion, which seems to prevail, that catholics do not need to be treated as others, and that they are bound to accept silently, if not thankfully, what is decided by their fellow citizens of other creeds?

We had peace in Manitoba and the North-west, with regard to education. The promise coming from England had been repeated at Ottawa, and their softening echo was repeated through all the prairies of the west. Then came a man who breathed over the country a breath of discord and fanaticism; politicians did not hesitate to utilise the dangerous weapon to defend their own position by stimulating the desire of abolishing all religious instruction in all the schools; they could not have failed to see the ultimate result. The majority raised their voice against the project, inasmuch as they were concerned, and then they entered into a bargain with the politicians. The majority told to the authors of the school law: "You may abolish the catholic schools, we will be but too glad, but do not touch our protestant schools; we wish to keep them what we have made them." "Very well," said the politicians, "give us a compact vote, support all our measures, and then, not only will we abolish catholic schools, but we will force their supporters to pay for yours." And so it was done. Catholic schools were condemned by the very same law which protects and enriches the schools dear to protestant ideas. Peace has since disappeared from the country, dissension is among its citizens; the bad seed is also taking root in the North-west, and a painful agitation threatens confederation.

Political parties fear or expect the result that could come out of the excitement; the tribunals are exercised with the most subtile interpretations; the books of the learned are searched in, to ascertain if the Canadian parliament knew, or did not know what they said, when they prepared and voted the constitution of Manitoba.

In the midst of the legal and political tournay, the most contradictory opinions are expressed by equally learned men.

Outside of the courts, some say: "Unconstitutional or void laws ought not to be disallowed;" others add: "The ordinance of the North-west was not to be disallowed, being within the limits of the constitution." It is said yes, it is said no, and the discordant voices prevent the protection required and asked for.

We have the most evident proof that the wording of the laws is not the real source of our difficulties; here is the proof of my assertion: The Manitoba Act, passed by the federal legislature in 1870, ratified by the imperial parliament in 1871, reads as follows in the 23rd section: "Either the English or the French language may be used by any persons, in the debates of the houses of the legislature, and both those languages shall be used in the representative records and journals of those houses. And either of those languages may be used by any person, or in

any pleading or process in or from all or any of the courts of the prov... The acts of the legislature shall be printed and published in both those languages. Unquestionably these few words are clear; their meaning is obvious; they are perfectly intelligible; there cannot be two opinions on their real signification.

What has happened?—The local government of Manitoba, in defiance of a federal statute so clearly expressed, in spite of the confirmation of the same by the imperial parliament; yes, the government of Manitoba proposed and its compact majority voted as follows:

"Any statute or law to the contrary notwithstanding, the English language only shall be used in the records and journals of the house of assembly for the province of Manitoba, and in any pleadings or process in or issuing from any court in the province of Manitoba, the acts of the legislature of the province of Manitoba need only be printed and published in the English language."

The lieutenant governor gave assent to the bill, unconstitutional and unjust as it is, and the enactment is indicated 53 Vict., chap. 14.

The matter was referred to Ottawa as offensive to the dignity of the British parliament, subversive of the federal legislation and injurious to the interests of the French-speaking Canadian population.

Who raised his voice in the federal parliament or who acted in a way to have such an unconstitutional act erased from the state book of the prairie province?

Meanwhile, and ever since, the cause of our schools is carried from tribunal to tribunal to secure an opinion about the subtilities which could be detected in the wording of the school clause. Clear language has proved of no avail or is supposed to be unintelligible to avoid rendering the justice implied in its natural signification.

I love my country; I would like to see its political institutions admired; I would be happy to feel that the freedom they are supposed to afford is enjoyed by all. But, alas, the events of the last few years are not showing Canada and Canadians to the best advantage.

The divine precepts have prepared my will to submit to the laws of the land of my allegiance, but my heart is not forbidden to bleed, when such laws are unjust and detrimental to the interests of so many of her majesty's loyal subjects. Sincere catholics will obey the laws, even if offensive to their interests and enacted against them, precisely because they have catholic convictions. How cruel it is to take advantage of their spirit of submission to oppress them.

May God pardon the authors and abettors of such wrong-doings and enlighten them that they may comprehend that the maltreatment of the minority will, on the long run, prove injurious to this province, its adjacent territories and even to the whole Dominion.

ALEX. TACHÉ, *Arch. of St. Boniface.*

St. Boniface, 7th March, 1894.

APPENDIX A.

To His Grace ALEX. TACHÉ, Archbishop of St. Boniface.

MY LORD,—I have just read and studied with all possible diligence and attention the report of the privy council of Canada, approved by his excellency the governor general, the 5th February, 1894.

A petition made in the name of His Lordship Bishop Grandin, of St. Albert, 17 others made by the trustees of the catholic schools of the North-west Territories, and another drawn by your grace, had been addressed to his excellency the governor general in council. All these petitions expressed the grave subject of complaints of the catholics with regard to the last school ordinance in the North-west Territories. Perfectly identical, except the one presented by your grace, they asked, either the

disallowance of the ordinance no. 22 A.D. 1892, or a formal order to the legislative assembly and to the council of public instruction to repeal or to amend the said ordinance and the regulations of the council of public instruction in such a way as to remove all the grave and just subjects of complaints formulated by the catholics in the petitions to his excellency the governor general in council.

Both alternatives are refused, we are simply commended to the good-will of the lieutenant governor that he may interest himself in our favour with the legislature of the Territories and the members of the executive, who form also the council of public instruction. Now, my lord, my conviction is that we have been entirely sacrificed by the governor in council. They reject our most legitimate subjects of complaints; they overlook their importance and bearing. It is what I will endeavour to prove.

We read in the report of the committee of the privy council:—

"(1.) Upon a comparison of the duties prescribed for inspectors of schools in the ordinance of 1888 and that of 1892, as amended, it will be seen that they are practically the same."

The report of the committee of the privy council eludes deliberately the question and gives a conclusion the greater part of which is outside of the subject of the petitions. We complain that the ordinance of 1892 deprives us, catholics, of the right of appointing our inspectors for our catholic schools, right granted by the ordinance of 1888. This ordinance conferred on the catholic section of the board of education the power to appoint its inspectors. It is this right that we claim in our petitions. Protestant inspectors, owing to their religious education, their prejudices, their opposition to the catholic school system, cannot generally inspire us any confidence. We protest in our petitions against that violation of the right that we have to govern our schools and appoint our inspectors, as we acknowledge the same right to the protestant schools. I regret to be obliged to state that the decision of the privy council in the case in question has not at all for its object the true complaint of the petitioners. Let them not tell us: "Out of four inspectors, you have one catholic." If we have him to-day, we may not have him to-morrow. At all events, he cannot inspect but the schools of one district, all the schools of the other districts being outside of his jurisdiction. Once more, the right to appoint our inspectors is taken from us, and we are at the mercy of the council of public instruction, entirely composed of protestants, in which no catholic has a right to vote; and our schools are nearly all inspected by protestant inspectors who may be altogether hostile to our educational institutions, especially to our convents. Such is the true object of our complaints; such is the right that we claim. And this is what has been overlooked at Ottawa. "You have no right to complain," we are told; "the inspectors' duties are practically the same to-day as they were before the ordinance which you ask to be disallowed. In the meantime—accept the inspectors that are imposed upon you, although they may be your open enemies and members of secret societies who have sworn the total destruction of your institutions."

(2) The report says: "The committee are informed by Mr. Haultain's statement that so far back as January, 1888, at a meeting of the board of education, it was resolved: That in the opinion of this board it is necessary to make provision for the instruction and training of teachers for our public schools in the science and art of teaching, that the board feels that the appointment of a normal school principal, whose duty it would be to hold normal school sessions in different parts of the country, would have the best possible results in increasing the efficiency of teachers and stimulating education.

"Therefore, it is resolved that his honour the lieutenant-governor be requested to urge upon the Dominion government the advisability of granting the sum of $5,000 (five thousand dollars) for the next financial year for normal school purposes.

"There is nothing in the above resolution to indicate that there was to be one normal school for protestant teachers and another for Roman catholic teachers, but rather the one normal school for all."

Let us see:

In the month of January, 1888, the board of education, composed then of eight members, among whom five protestants and three catholics discussed the advisability

of having in a near future normal schools, that is to say, as soon as circumstances would permit and such establishments would be practically possible both for protestants and catholics. I was then a member of the board with Hon. Judge Rouleau and Mr. A. Forget. Hon. Judge Rouleau was absent on that day, but Mr. A. Forget and myself took part in the discussion, and all the members of the board, protestant and catholic, were of opinion that normal school institutions could but stimulate and promote the cause of education. It was proposed to hire a principal, but Mr. Forget immediately pointed out that two were required, one for the protestants and one for the catholics. As the thing was not to be done at once, it was resolved to pass only the resolution, mentioned by the privy council, asking for a subsidy of $5,000 (five thousand dollars) for normal school purposes, without specifying them. The board of education reserved to itself to regulate the use of these $5,000, if that sum was granted for the purposes in view, and the catholic section knew that it had also a right to a part of that sum, if it were granted. All the members understood, or at least could understand, by Mr. Forget's remarks and mine, that when the time to act would come, we would claim our right to one or several catholic normal schools. And, in fact, every time that the question has been brought before the board of education since January, 1888, until our last session in the summer of 1892, I have always, supported by my colleagues Hon. Judge Rouleau and A. Forget, Esq., claimed catholic normal schools, if ever the board should pass a resolution making compulsory the attendance at those schools. I have done more, I have always maintained that the establishments of our sisters, devoted to education during their whole life, were nothing but a continuous normal school lasting for them until death. On the report of Mr. Haultain, chief of the executive at Regina, a party interested before all to the maintenance of his ordinance of 1892, the report of the privy council says: That the resolution passed unanimously by the board of education in January, 1888, concludes to the establishment of only one normal school for protestants and catholics, without distinction. As I have just proved it, this assertion is contrary to the views expressed in the board, when it adopted the resolution bearing on the demand of the sum of $5,000, which the federal government refused.

Under the false pretense that at least two members of the catholic section of the board of education have, in January, 1888, given their assent pure and simple to the future establishment of only one normal school, we are invited to remain quiet, to accept the new ordinance, to be satisfied with protestant normal schools, even for the sisters, who would have to leave their convents to go and mix with the teachers or candidates of both sexes, of all denominations, of every age, on the benches at Regina or elsewhere, and to receive school from the lips of a grand master of freemasonry, with the pedagogical teaching free from all tinge of catholicism, but possibly saturated with materialism and all the errors which the catholic church rejects and condemns.

"(3.) The petitioners further complain that the council of public instruction has promulgated certain regulations of which one effect is that, save in exceptional cases, no one can become a certificated professional teacher entitled to conduct a public or separate school without attendance at a normal school."

To ascertain the nature of this objection it is well to examine the cases which are there said to be exceptional. It is provided by the regulations of the council of public instruction governing teachers' certificates, 1894 (at page 8 under the heading: persons eligible without examinations) as follows:

5. "Persons holding certificates of educational value from institutions (other than those mentioned in clause 1, 2, 3, 4) may receive such certificates as the council of public instruction may deem them entitled to."

Clause five would appear to have been especially framed to meet the views of these persons mentioned by the petitioners who "would be unable to comply with the regulations enjoining attendance at the normal school."

Since the members of the committee of the privy council have thought that the clause five, above mentioned, is intended to remedy the complaint of the petitioners, I regret to be obliged to cause them a deception. It may be that this clause will be willingly applied by the council of public instruction in favour of

protestant candidates, but surely it will not be so for the catholics. Here is my proof:

In 1891, one of our teaching sisters, superioress of one of our convents in Alberta, had a non-professional certificate grade—this certificate was to become professional after two years' teaching in the country by being endorsed by the inspector. Issued on the 1st of September, 1891, the said certificate was regularly endorsed by the inspector in 1892. The following year, after the passing of the ordinance no. 22 A.D. 1892, they pretended that the inspectors had no longer the right to endorse the non-professional certificates, and in the month of August, 1893, Mr. J. Brown, the secretary of the council of public instruction, gave official notice to the rev. sister, that her non-professional certificate would expire on the 1st September next, but by a special favour (!) they extended the term of expiration of said certificate to the 1st of October, time of the opening of the normal school session at Regina, where she would have to go; the attendance at the normal school being for her the only means of obtaining a professional certificate. I then went myself to Regina where I had a long interview with Mr. Goggin, superintendent of education. The Reverend Mr. Caron and Mr. A. Forget were with me. I expressed first the impossibility for the sisters to leave their convent to attend those normal school sessions; I declared that it would force them to act directly against the rules and constitutions which govern their order; that to make such regulation for them was equivalent to willingly and positively exclude them from teaching in the Territories. Mr. Goggin discovered to me the bottom of his thought in asking me why did we not hire lay teachers instead of nuns who, by their state of life, cannot comply with the regulations of the council of public instruction. I then appealed to this clause 5, to which we are referred by the report of the committee as to an infallible remedy to our complaints. I showed him that the life of our teaching sisters is a perpetual normal school. The reverend sister here mentioned had taught in England and elsewhere with the greatest success, during nearly 30 years. It was of no avail. The institutions mentioned in clause 5, I was given to understand, are not religious institutions, orders, convents; even if their members were to devote their whole life to teaching, but institutions, approved and recognized either by the state or by councils of public instruction.

The professional certificate was refused to the sister, in the face of clause 5. They consented to give it to her only when it was proved that she had a strict right to it, by virtue of the law and regulations, existing before the ordinance of which we complain.

(4.) This clause 5, I have also invoked it myself to obtain a provisory certificate, that is a permit, for a sister newly arrived from Europe, to teach until the time appointed for the next examinations of the teachers. And I was refused. Mr. Goggin told me that he could not recommend a certificate, even provisory, on the only fact that the person asking for it had belonged for years to a religious teaching order. I was obliged to swear that, to the best of my knowledge, she was competent to teach and that she had taught with success for several years.

Therefore let the committee of the privy council be well convinced of the inefficiency of the remedy that they indicate. It is a cunning trick that may deceive, but which does not stand before the above explanations and proofs.

"(5.) The petitioners have not specified any text-book, now prescribed for the examinations of teachers, which is objectionable to Roman catholics, and as, with the exception above noted, the books now prescribed are practically the same as those in use and prescribed by regulations prior to the passing of the ordinance of 1892, and as such regulations were concurred in by both sections of the board, the committee cannot see that the complaint of the petitioners in this respect is well founded. It is to be noted that the petitioners do not complain of the abolition of any text-book, but only of the imposition of a uniform course of instruction and a uniform selection of the text-books, a state of affairs, so far as teachers' examinations are concerned, that appear to have existed under the old regime, and to which no objection seems to have been made by Roman catholics, but which, on the contrary, was approved of by their representatives on the board of education."

Under the ordinance of 1888, in September, 1891, the old board of education, he two sections being together, adopted an almost uniform selection of text-books for the examinations of candidates. I say almost uniform because the readers and the subjects of literature were excepted, the two sections being divided on these points. In my letter to the secretary of the board I had myself provoked this agreement between the two sections, let it be well noted, without binding ourselves to each other. The sections preserved always the strict right to change their books whenever they would think useful for their respective schools. This right, we could not alienate it, we never did alienate it. It is taken from us by the ordinance of 1892; it is a crying injustice of which we complain. Under the old regime we could use this right, as we thought fit and useful to the catholics; we could agree or disagree with the protestant section for the choice of books, as we thought proper. To-day we have to submit to the unjust law of the stronger. The council of public instruction has the right to prescribe any book they like for the examinations of candidates.

I need not stop to examine the merit or demerit of such a book or author, for the simple reason that they may be changed at will by the council of public instruction and replaced by authors most hostile to our convictions; we have no voice in the matter; and we are told by the committee of the privy council that our complaint is not founded.

In our schools they tolerate to-day our catholic readers for the little children only, but they have the right to take them from us to-morrow as they have already done for all the children above the second reader. And we are told: Nothing is changed; you have no longer the choice of your books, you must accept ours; why do you complain?

(6.) "The petitioners further state that the effect of the said ordinance, especially by means of the said regulations passed in pursuance thereof, is to deprive the catholic schools of that character which differentiates them from the public or protestant schools and to leave them catholic separate schools in name only, and such, it is submitted, is its obviously necessary effect:

"The committee observes that section 32 of the ordinance no. 22 of 1892 provides:

"The minority.....may establish separate schools.

"Section 36. After the establishment of a separate school district under the provisions of this ordinance such separate school district shall possess and exercise all rights, powers, privileges, and be subject to the same liabilities and method of government as is herein provided in respect of public schools."

Because the minority may, yet, by the ordinance no. 22 of 1892, establish separate schools catholic or protestant as the case may be, does it follow that the effect of the said ordinance and of the regulations passed by the council of public instruction is not to deprive the catholic schools of all that differentiates them from the protestant public schools, and to make them catholic schools in name only? Let us see:

The catholics, formerly represented by the members of the catholic section of the board of education, were convinced that their interests were safeguarded; for it belonged, according to law, to the said section:

(1.) To have under its control and administration, all its schools, and to make from time to time any regulation it would think proper for their general government and discipline.

(2.) To prescribe and to select uniform series of text-books.

(3.) To appoint its inspectors.

(4.) To cancel teachers' certificates for sufficient cause.

(5.) Religious instruction (limited in public schools) was not limited in separate schools.

(6.) To choose text-books for history, science and such other branches that it would judge fit, *e. g.* religious instruction for candidates, examinations, and to have exclusive jurisdiction in these matters.

(7) To appoint half of the examiners.

To-day no more catholic section; not one catholic has a right to vote in the council of public instruction.

No more control nor administration of our schools.

No more right to choose our books: they may impose on us any book they like. Our schools, 75 per cent, are inspected by protestant inspectors. We have no more right either to appoint or to control these inspectors.

We have no power whatever on our teachers' certificates. They have to pass by the one normal school, which will be what the council of public instruction will make it, and which may be hostile to every catholic idea.

They have taken from us the right to choose our books on history and science for candidates' examinations.

No more jurisdiction for the correction of examination papers in these matters, a jurisdiction that was reserved to us under the ordinance of 1888.

No more right to appoint our examiners.

No more religious instruction; not even the right to open school by prayers. What is then left to us? if not schools catholic in name only, nothing else. We are permitted to have separate or catholic schools, but on condition that they are made in every respect like to the public or protestant schools, that is, that our teachers receive the same training and under the same inspectors, use the same methods, give up all religious instruction, etc., etc.

At Regina, in the council of public instruction, two opinions are entertained. The leader would like to take the "bull by the horns" and get rid at once of these catholic separate schools, while his first employee, the grand master of freemasonry, wishing also to destroy anything that is catholic in our schools, advises to proceed more quietly. In his opinion, the same end must be obtained, that is, to have only non-catholic schools, but it must be obtained by deceit and cunning. Take a step to-day and let the catholic get used to it, and then make another move, then a third one and so on, until the complete abolition of the separate schools.

This is our actual position. Were we not fully justified to ask for the disallowance of an ordinance which opens the gate to so disloyal a war against our schools?

(7.) "It would appear from the fact above set forth, that the disallowance of the ordinance in question would not meet the complaints alleged in the petitions otherwise than by restoring the board of education which had control of the schools of the Territories before the ordinance of 1892 was passed; because in other respects the law and regulations concerning education in the Territories were not materially different before the ordinance of 1892 was passed, from what they now are in so far as the points mentioned in the petition are concerned. Disallowance would not nullify any of the regulations complained of."

I humbly beg pardon to the honourable committee, but I cannot help seeing the best accentuated sophism in the above quotation. Why? the disallowance of the ordinance would not remedy our complaints and our just grievances?—If this ordinance had been disallowed, all the rights, of which I was speaking just now, were restored; control and administration of our schools; choice of our books; right to appoint our inspectors and examiners; religious instruction in the separate schools; normal schools optional and not compulsory, and if declared compulsory, to be catholic for our candidates. And the disallowance would have remedied nothing, but re-establishing the old board of education; the disallowance, we are boldly told, would have nullified none of the regulations of which we complain. If the law had been disallowed, had not the members of the catholic sections authority to amend the said regulations? Did not most of these regulations fall themselves by going back to the ordinance of 1888? Truly, how many specious insinuations and affirmations in the above passage of the committee's report.

In order not to disallow the ordinance, they give the false pretext that the disallowance would be useless. They thus mock the petitioners; they sacrifice the minority to the desire of pleasing the majority of which they are more afraid.

That ordinance no. 22, 1892, "vrai ballon d'essai (says the *Manitoba Journal*) the success of which were to determine the fate of the minority, might have burst at Ottawa if the federal government had willed it; but it has refused its protection

to the weak. Is it then decided in Ottawa that it will tolerate the violation of the rights, natural and acquired, of those who are not numerous nor audacious, enough to constitute a dangerous element?

(8.) "The committee of the privy council regret that the change made in the ordinance relating to education should have been such as to cause, even unwittingly, dissatisfaction and alarm on the part of the petitioners, and they advise that communication be made to the lieutenant governor of the North-west Territories, urgently requesting that the complaints set forth by the petitioners be carefully enquired into, and the whole subject be reviewed by the executive committee and the North-west assembly, in order that redress be given by such amending ordinances or amending regulations as may be found necessary to meet any grievances or any well-founded apprehensions which may be ascertained to exist."

At last behold the immense consolation that is given to the catholics of the North-west. The committee of the privy council has the greatest sympathy for us. It extremely regrets that the ordinance of 1892 has been the involuntary (?) cause of dissatisfaction and alarms. The ordinance is maintained. With it and under the cover of legality, they will be able to increase, to multiply the difficulties and obstacles to hinder our catholic schools to work; they will impose on us new regulations more tyrannical, more impracticable than ever; the good-will of the past, on the part of the members of the council of public instruction and of the legislature, is a proof, at least probable, of their future good-will.

The committee of the privy council commends us to the mercy, to the generosity of the avowed enemies of our religious institutions, of our schools, of our convents. They have shown their dispositions (?) and now they are requested to amend either the ordinance or the regulations of the council of public instruction in order to remedy our grievances and our alarms, if any.

Is this truly what we had a right to expect? Could such a decision satisfy the request of the petitioners? Does it conform to justice? Is this a specimen of the boasted "British fair-play?"

We are sacrificed to the breath of the deplorable fanaticism which blows over our territories; our rights are trampled upon; our catholic schools existing by law, exist only in name.

It might have been otherwise; the government at Ottawa has not willed it.

Accept, my lord, the homage of my profound respect, of my heartfelt sympathy and of my devotedness.

H. LEDUC, *O.M.I., Ptre., Vic. Gen.*

APPENDIX B.

CHURCH OF OUR LADY OF THE HOLY ROSARY,

REGINA, ASSA., 24th February, 1894.

To His Grace Monseigneur A. TACHÉ.

MY LORD,—In answer to your letter asking me if it be true, as affirmed by some, that, as a representative of the catholics in the council of public instruction, I have given my assent to the choice of Ontario readers as reading books in our catholic schools in the North-west Territories, I am glad to say, my lord, that such is not the case.

Besides, here is what took place in the only general assembly of the council of public instruction held until this day, since its formation, in virtue of the ordinance of 1892.

The council, as you know, is composed of the members of the executive council of the Territories, all protestants, and of four members named by the lieutenant governor in council; two protestants and two catholics having the right to offer their advices, but without the right to support such advice by their vote. Mr. Forget, of Regina, and myself, represent the catholics. Our nomination dates from

the 8th June last, and on the very next day we were called for the first meeting. During the absence of Mr. Forget who, at that time, was in Paris for his health, I was alone to represent the interests of our schools in a council composed of six protestant members, assisted by Mr. James Brown, then superintendent of education and by Professor Goggin, both also protestants. The latter, admitted in the assembly on the special request of the president of the executive, was in reality the directing spirit. No motion was moved nor seconded, no resolution adopted. They satisfied themselves by discussing without taking any decision, and, inasmuch as I am informed, no minutes have been kept of our deliberations. Such, at least, are the informations from Mr. James Brown, when they were asked for by Mr. Forget in my presence.

In the course of that discussion, altogether informal, according to the expression of my English colleagues, Mr. Goggin, having expressed the idea that it would be desirable to render uniform the use of books in the schools, I said, in a general way, that in fact, on account of our system of inspection, it would be very advantageous if all the school children could use the same books.

Should those books be the catholic or the protestant books? That question was not on the tapis, and consequently, I did not think that I should fully express my views by saying that if the members of the council wished for the uniformity of books for the good management and for the efficacious inspection of the schools they could adopt our series of catholic books.

Later on, in the course of my remarks, Mr. Goggin, it seemed to me, wished to insinuate that catholic books could be left aside and replaced by the Ontario readers, and then I said that "the younger the children who attend the schools the more do we urge that the books put in their hands should be perfectly catholic."

And, on account of the special composition of the council of public instruction, and knowledge that, by the ordinance of 1892, that council has absolute power to impose upon us books of its own choice, I thought proper to add that "if we were obliged to put aside the catholic reading books, we would more willingly abandon the books used for the scholars of the 4th degree than to abandon the books used for younger scholars."

Such is, your grace, and textually, the only remarks made by me concerning the choice of books, in that assembly of the council of public instruction, and I leave you to judge if they are of a nature to be interpreted as an acknowledgment for replacing our catholic books with protestant ones.

That meeting of the council took place in the month of June, and it was only in the month of September that I learned, by questions addressed to me from Prince Albert, that the catholic books had been erased from the list of books approved for the pupils of the third and fourth degrees, and that such catholic books had been replaced by Ontario readers. A few days later, I learned that in certain quarters it was repeated that I had given my approval to such a change.

During the same month, Mr. A. E. Forget, my colleague in the council of public instruction, Mr. A. Prince, M.L.A., for St. Albert, Mr. C. E. Boucher, M.L.A. for Batoche, and myself, had an official interview with the members of the executive council; I availed myself of the circumstances to explain once more the idea I had expressed before the members of the council of public instruction, concerning some books used in catholic schools; refusing thereby to accept any responsibility in that part of the new regulations and asking, as well as the other members of the deputation, that council should restore to the catholics their right to use catholic books in their schools.

Should not the members of the executive committee have understood the meaning of my words, at the assembly of the council of public instruction, they have not been able to misunderstand my protest on the day of the above interview.

Nevertheless, notwithstanding such protest, Mr. Haultain affirms, in a public document, that I have given my assent to such tyrannical regulations.

What can one think of such an affirmation?

Accept, my lord, the expression of profound respect of

Yours very humbly,

J. CARON, *Priest.*

APPENDIX C.

CALGARY, 26th February, 1894.

To His Grace A. TACHÉ, Archbishop of St. Boniface.

MY LORD,—I answer your enquiries about the abolition of the French language by the ordinance of 1892, both for the examinations and the schools.

If our petitions did not speak of this violation, it is because we left to the solicitude of your grace to claim our right on this respect; it is what you have done in an energetic petition, that has been ignored at Ottawa.

The ordinance of 1892 has abolished the French language:

I.—FOR THE EXAMINATION.

Before 1892 the candidates could pass their examinations in French. The examination papers were translated in this language, and twice I have been charged myself with this translation.

On Thursday last, the 22nd instant, I was at Regina. In order not to assert anything but perfectly certain, I went to see Mr. James Brown, the secretary of the council of public instruction, and I put to him officially the following questions:

Q.—Under the ordinance of 1888, could the candidates pass their examinations in French?

A.—Yes.

Q.—Were the examination papers translated in French?

A.—You know it well, you have translated them yourself.

Q.—Under the ordinance of 1892, by which we are governed to-day, can the candidates still pass their examinations in French?

A.—I do not see that they can do it.

Q.—If the candidates did write their examinations in French, would these examinations be recognized in the council of public instruction?

A.—No.

Therefore, it is evident that the French language is abolished for the examinations.

II.—FOR THE SCHOOLS.

The French language is also practically abolished in the schools. By the regulations of the council of public instruction, in conformity with the ordinance of 1892, the teaching must be given in English to the children above the 2nd reader. Thus arrived at this insignificant degree of learning, all the French Canadian children must be taught exclusively in English. They permit the use of the two first Ontario bi-lingual readers to the youngest children, but even then the consent in writing of an inspector, most of the time English and anti-French, must be obtained. Such is the amount of French teaching that is permitted, or tolerated. It would be more true and more simple to say at once that the French is banished from the schools.

Last year our schools in Edmonton and St. Albert, have been inspected by a gentleman, who is English and protestant, Mr. Hewgill of Moosomin. He questioned the pupils in English, paying very little attention to the French. He gave instructions to the teachers to give the greatest possible attention to the teaching of the English language. As to the French: *Abeat quo libuerit.*

In short, the ordinance of 1892 takes from the French population of the North-west Territories the right, recognized by the ordinance of 1888, of using the French language for the examination and in the schools, and of giving a French as well as an English education to its children.

No more French schools, no more catholic schools, or rather schools catholic and French in name only; but in reality English and non-catholic; this is the plain truth, no matter what Mr. Haultain, and after him, the report of the committee of the privy council may say to the contrary. It is the conclusion that will be drawn

by all the friends of justice who will carefully study the facts without any prejudice of political party, of race or of religion.

I now conclude by relating a fact which will show that our apprehensions are not vain and without foundation. In July, 1891, one of our catholic candidates for the teachers' examinations had passed with success on all the branches required by the board of education, and was to receive a certificate degree A. Unfortunately the said candidate had failed on arithmetic, having obtained only 18 points out of 100, when at least 50 were required.

I knew perfectly the candidate and I could not believe in such a radical and humiliating failure. As I was a member of the board of education, I asked and obtained to have the papers on arithmetic re-examined by the Reverend Mr. Gillis, catholic inspector and the Reverend Mr. McLean, methodist minister, inspector for the protestant section. The result was that the candidate in question got over 50 points, and was awarded a diploma degree A, thanks to my claiming justice.

As I know perfectly that the majority of the legislative assembly and of the council of public instruction, with a few exceptions, entertain dispositions that are hostile to our schools and especially to our convents, I do not understand how the report of the committee of the privy council can say that our apprehensions and alarms have no foundation whatever.

The disallowance was the only true remedy to the underhand, unavowed but real persecution that we undergo—Ottawa has refused it. The evil done by the ordinance of 1892, and the injustice that it sanctions, are tolerated by the federal government. However, we will continue to fight unceasingly and with a renewed courage for our rights and for our schools which we have the duty and the mission to protect and defend.

Accept, my lord, etc.,

H. LEDUC, *O. M. I., V. G.*

APPENDIX D.

(Translated from the French.)

REGINA, 1st March, 1894.

To His Grace MONSEIGNEUR TAGHÉ, Archbishop of St. Boniface.

MY LORD,—In accordance with your grace's desire, Rev. Father Leduc has handed to me a copy of a letter which he addressed to you regarding our school question in the Territories. The facts which he relates and with which my name is associated, are all fresh in my memory, and as they are in accordance with my own remembrances I can, without the least hesitation, corroborate them by my own testimony.

As to the commentaries which accompany them, especially inasmuch as they relate to the motive by which the members of the privy council may have been animated in their refusal of disallowing the school ordinance of 1892, my position as an employee of the government imposes upon me a reserve from which you would not, I am certain, wish me, my lord, to depart. But as I would not wish either that my silence in that respect would be falsely interpreted, I wish to express the opinion that the painful position made to us by the decision of the privy council can only be explained by supposing that the good faith of the ministers must have been surprised.

It seems, in fact, impossible to imagine that the catholic members of the privy council would have so coldly sacrificed our dearest interests, if they had exact and complete information on the questions.

I will say further, I am willing to believe that Mr. Haultain and his colleagues are in good faith in the conclusions which they draw from the resolutions of the board of education cited by them. These gentlemen not having been members of the old board of education, could not have known its deliberations but by the minutes thereof. Now, there is nothing in those minutes to indicate to those who may to-day read them, especially if they do not belong to our faith, that the catholic members of this board did not intend to give to these resolutions the meaning attributed to them. It seems, however, that, for catholics, the name of the Rev. Father Leduc, if not those of his colleagues in the board of education, should have been a sufficient guarantee that we should not have given an effective support to those resolutions unless circumstances guaranteed our rights.

This being said, Mr. Haultain and his colleagues of the executive council of the Territories will pardon me if I do not receive without an incredulous smile the assurance given by them, and accepted perhaps too easily by the privy council, that the legislation and school regulations of which we complain, have not been inspired by any sentiment hostile to our schools. They and the other members of the legislative assembly, who voted the ordinance of 1892, knew plainly what they were doing. I do not ignore that each one individually has protested that he did not wish to injure the privileges and rights of the catholic minority. In spite of all these protestations, this ordinance, in the dispositions which concern us, had and could have had but one object: that is, the abolition of all distinct character of our schools.

Thanks to that ordinance and to the regulations of the council of public instruction which followed, this end has to-day been practically attained. Nothing essential now distinguishes the catholic schools from the protestant schools but the designation now ironical of separate schools.

We should not think, however, that the immediate authors of the ordinance of 1892, and of the regulations which complete it, are alone responsible for them. In the eyes of those who have pressed them, it would be, indeed, giving them too much honour; others who had tried before them have also a right to their share of the laurels. It would be curious enough to make a faithful and complete history of the slow and underhand work of these people, bent to the destruction of our schools, and many candid souls would surely be more than astonished, if we gave to each one his share of responsibility.

But what is the use? Besides this history would carry us too far, and would oblige me to go beyond the limits of a communication of this kind. I will, therefore, my lord, confine myself to give you a short, a very short historical sketch of our school laws since the date of the organization of the Territories.

In memoriam rei. I will first mention that the constitutional act of the Territories guarantees to any minority the free establishment of separate schools wherever required; and the power, conferred on the territorial legislature to legislate in matters of education, is subject to this right. Therefore, all ordinances ignoring this right could for this reason be nullified by the court in case that the federal government would refuse to disallow it. But the disallowance is the only recourse that we can claim in the case of ordinances which, as the one of 1892, conforming itself strictly to the letter of the law, however, disregards its spirit, so as to render entirely illusory this wise constitutional disposition.

Before being so cavalierly trodden upon by the legislature of the Territories, let us see what interpretation the legislature, composed in part of the same persons, has given to this clause of our constitution.

The first bill in matters of education was presented in 1883, by Mr. Oliver, representing the district of Edmonton, in the council of the North-west Territories. This gentleman is still the representative of the same district in the legislative assembly. This bill, which gave at the time great honour to its author by the originality of its conception, after a first and second reading, was printed and distributed to the public. This same bill, slightly modified, was again submitted by its author, to the consideration of the council of the North-west. The following day the Hon. Judge Rouleau, presenting another one on the same subject. The

special committee, composed of the Messrs. Rouleau, MacDowall, Turriff, Ross and Oliver, to which these two bills were referred, made their report a few days later by presenting a third bill, the result of the fusion of the two first ones. This last bill, after having passed the ordinary formalities, became soon the ordinance known under the title of the School Ordinance of 1884.

In order to understand well all the importance that the interpretation given by the ordinance of 1884 to the clause of the constitution relating to schools bears in itself in favour of the catholics, I will mention that this ordinance in its final form was unanimously adopted by the North-west council then composed of thirteen protestants and two catholics. If all did not remain to the same degree faithful to that spirit of justice and liberality which distinguishes this first school legislation, all at least deserve our profound gratitude for the authorized interpretation given by them to the clause relating to schools of the North-west Territories Act; and I cannot better express it to them than in giving here the list of their names. They were: The Honourable Edgar Dewdney, lieutenant governor; the Hon. Judges Richardson, McLeod and Rouleau, Lt.-Col. Irvine and Messrs. Breland, Reed, Oliver, MacDowall, Hamilton, Jackson, White, Ross, Turriff and Gebbes. The eight at the end of this list were all representatives, elected by the people.

Let us now consider what that ordinance contained. First, it provided for the nomination of a board of education, composed of twelve members, six of which were protestants and six catholics, divided into two distinct sections.

These two sections, sitting together, had but general powers; but the sections, sitting separately, had very extensive powers.

Let us open the ordinance at the clause 5, and this is what we find in it: "It will be the duty of each section:

"1. To have under its control and direction the schools of its section, and to pass, from time to time, the regulations that it will think fit for their general government and discipline, and for the execution of the dispositions of the present ordinance.

"2. To provide for the examination and the classification of its teachers, and to adopt measures to recognize certificates obtained elsewhere, and to cancel all certificates for good reasons.

"3. To choose all the books, maps and spheres that will be used in the schools under its control, and to approve the plans for school buildings, provided always that, when the books relate to religion and morals, the choice made by the catholic section of the commission be subject to the approbation of the competent religious authority.

"4. To appoint inspectors who will remain in charge at the will of the commission by which they have been appointed."

By the clause 6 of the same ordinance, the board, and one or the other of the sections, had the right to hold meetings in any convenient place in the Territories.

The 25th clause, to which I specially call attention, reads as follows:—

"25. In conformity with the dispositions of the 10th article of the North-west Territories Act of 1880, relating to the establishment of separate schools, any number of ratepayers domiciled in the limits of any public school section or in two sections or more adjoining public schools, or some of them are in the limits of an organized school district, and others on adjoining lands not included in said districts, can be erected in a separate school district by proclamation of the lieutenant governor, with the same rights, powers, privileges, obligations, and mode of government as precedingly stipulated in the case of public school district."

And in clause 131, it was decreed as follows: "In no case would a catholic be obliged to pay taxes for a protestant school, neither would a protestant to a catholic school."

In short, therefore, that ordinance not only recognized the rights of catholics to establish separate schools, but sanctioned also the principle, now ignored, that to them alone belong the exclusive right to govern them.

Unfortunately, owing to financial reasons foreign, however, to the dispositions ust mentioned, this ordinance remained a dead letter.

The following year it was amended and revised, and then we had the school ordinance of 1885. This last ordinance reduced to five the number of the members of the board of education, two protestant and two catholics, under the presidency of the lieutenant governor.

So the sections were left to the general administration of their respective schools, but some of their powers were transferred to the board of education, such as the nomination of inspectors and examiners, the regulations of the examinations and the teachers' classification. Owing to the particular composition of the board of education, these changes offered no immediate danger, although they indicated a new and hostile tendency.

The 25th clause of the ordinance of 1884 remained intact, as well as the part above mentioned of clause 131. The financial obstacle, which had impeded the working of the ordinance of 1884, having been removed, the ordinance of 1885 was put in operation immediately after the date of its adoption, in the month of December, 1885, Messrs. Secord and Marshallsay, and the Hon. Judge Rouleau and the Reverend Father Lacombe were nominated as members, respectively, of the protestant and catholic sections of the board of education.

For some time the schools then in existence continued to receive the allowance granted them by the lieutenant governor on the subsidies voted annually by the federal parliament, for the administration of the Territories, and that by virtue of an order in council dated November 4th, 1880, on the recommendation of Hon. David Laird, lieutenant governor of the Territories.

The conditions of this allowance were then made public by a circular of the sectretary of the lieutenant-governor. This circular is not without importance for us, inasmuch as it marks the first steps taken by the civil authority, since the organization of the Territories, for the support of the schools, and when considering its perfect spirit of impartiality.

Believing, therefore, that it might be of some service to your grace, I will here transcribe a copy thereof, made on the only copy which remains in the archives of the government. Here it is:

GOVERNMENT AID TO SCHOOLS.

His excellency the governor general in council having by order, dated 4th November, 1880, agreed to grant aid to schools in the North-west Territories, by paying one-half of the salary of the teacher of any school in which the minimum daily attendance is not less than fifteen pupils. I am directed by the lieutenant governor to intimate that his honour will, until further notice, from and after January 1st, 1881, be prepared to pay quarterly or half yearly, one-half the salary of any teacher in the Territories, on the following conditions:—

1st. That a quarterly register of the school be forwarded to this office, showing the names, age and studies of the children taught, not being Indians, whose education is otherwise aided by the Dominion government, and that the average daily attendance is not less than fifteen pupils.

2nd. That on some part of the register there be written a certificate, signed by the teacher and two of the parents whose children are attending said school, declaring that to the best of their knowledge they believe the register to contain a true statement of the attendance at the school.

3rd. That accompanying the register there be forwarded to this office a certified copy or statement of the agreement with the teacher, showing by whom he or she was engaged, and the amount agreed to be paid as solely for services as teacher.

A. E. FORGET,
Secretary to the lieutenant governor.

LIEUTENANT GOVERNOR'S OFFICE,
BATTLEFORD, 14th December. 1880.

P.S.—Blank registers can be had on application to the above office.

A. E. F.

I now return to the history of the legislation.

In 1886, the law became again what it was in 1884, as to the choice of the inspectors and the teachers' examination, but it limited the establishment of separate school districts, making them possible only in the limits of public districts previously established by the majority. This limitation, which still exists, is fatal to the interests of the minority, and constitutes, in my opinion, a violation of the spirit of the constitutional act. It frequently happens that the catholics, residing in the limits of a public school district, are not numerous enough to form alone a separate district, but that end could be attained, if they could, as before, in virtue of the ordinances of 1884 and 1885, join their fellow catholics residing immediately outside of these limits.

In 1887, the school laws were again amended and revised. This time a great effort was made to give us a legislation on the model of the one imposed later on in 1892. The blow was very difficult to ward off, the more so because it was unexpected and came from high.

There would be also much to say on the fight that the Hon. Judge Rouleau had to outstand in the council of the North-west Territories, for the maintenance of our rights; but as it ended by a compromise, I will merely mention in what the ordinance of 1887 differed from the preceding ones.

The principle of equal representation, which had until then prevailed in the constitution of the board of education, was abandoned. The number of the members was raised to eight, five protestants and three catholics. The sections preserved the administration of their respective schools; the right to choose the books; to appoint their inspectors, and to cancel for cause any teacher's certificate; but all the other powers were henceforth to be exercised by the whole board. In compensation it was decreed, in clause 41 of the ordinance, that after the establishment of a separate school district, any property belonging to rate-payers of religious belief of such district, would be subject only to taxes imposed by that district. This new disposition was favourable to us, and in perfect conformity with the spirit of the constitutional clause. As to the rest, the position remained about the same.

In 1888, new revision, but without any important change. The same for the amendments in 1889 and 1890. In 1891-92 the sections were deprived of the right to appoint their school inspectors, the said right being now placed in the hands of the lieutenant governor in council.

We are now come to the session of 1892, venom long accumulated was thrown loose by one of the new members in the legislative assembly who was not bound by the compromise of 1887. Inspiring himself by the recent example of the province of Manitoba, everything was again discussed. But this time in spite of the efforts of Messrs. Prince and Boucher, the only catholic representatives in the legislative assembly; in spite of the generous protestations of Messrs. Clinkskill, Cayley, Betts, MacKay, Meyers and Mitchell, offended by the proposed legislation, the majority, directed by Mr. Haultain, imposed on us, without mercy, the now famous ordinance of 1892.

In placing before your grace the names of the protestant members of the legislative assembly, who have a right to our gratitude, for the active part that they have taken in the defence of our rights, I must mention in a special manner, the noble and courageous conduct of Mr. Clinkskill during the preceding session. This gentleman was then one of Mr. Haultain's colleagues on the executive committee, and not satisfied with giving us the effective support of his word and of his votes, he even made the sacrifice of his seat, as a member of the executive committee, when he saw the uselessness of his efforts to preserve to the catholic section of the board of education the right, exercised until then, to appoint the inspectors for the schools under its jurisdiction.

Until the date of the ordinance of 1892, we had never been denied the right to administer our schools, to regulate the programme of studies, to choose the text-books, to control the religious instruction and to authorize the use of the French language wherever thought convenient. These rights were exercised by the catholic section of the board of education, and, strictly speaking, were sufficient to preserve to our schools their distinctive character of catholic schools.

Now all this has disappeared. The board of education no longer exists nor its sections. All the schools, public and separate, catholic and protestant, are placed, by the ordinance of 1892, under the direct control of a protestant superintendent of education and of a council of public instruction, composed of the members of the executive committee, in which the catholics have not one single representative.

It is true that, by a clause of the ordinance, it is provided for the nomination of four additional members on the council of public instruction, two protestants and two catholics, but, being deprived of the right of supporting by their votes the opinions that they might express, and not being able to attend to council sittings unless invited by the executive committee, their usefulness is reduced to very little. Moreover the facts speak by themselves. Since the nomination of these supplementary members, they have been invited but to one sitting of the council of public instruction, and however radical changes have been made in the administration of our schools, in spite of the energetic protestations of Rev. Father Caron, and those of your humble servant, who have the honour to represent the catholics in the council of public instruction. I know that it has been asserted that Rev. Father Caron had given his assent during the only sitting just mentioned and to which he had to attend alone in his colleague's absence. But Father Caron, in a letter addressed to your grace and which he has shown to me, overthrows that pretension. These gentlemen may have been sincere for a moment in believing that the Rev. Father Caron had consented to allow the catholic readers in use then in our schools to be replaced by protestant books; but after the interview which we asked of them, and which they granted in September last, there could no longer exist any misunderstanding on that respect. As it was our duty, in concert with Messrs. Prince and Boucher, who were present at that interview, we energetically protested against introducing protestant readers in catholic schools. The regulation passed to that effect becoming in force only for the purpose of the promotion examinations for the year 1894, it was still time to modify it in order to make it conformable to the catholic sentiment. Instead of that, a circular was sent a few days later rendering compulsory in catholic schools the use of protestant readers after the 1st of January, 1894, and that in all the classes above the 2nd standard; these gentlemen reserving to themselves to invoke this alleged misunderstanding with the Rev. Father Caron, as a justification of their conduct.

As a practical result, we have then, at this time I address you these lines, monseigneur, the strange spectacle of catholic schools managed and inspected by protestants, and in which the programme of studies is fixed and the text-books are carefully selected, according to the advice of a protestant superintendent of education. Such is, in a few words, the intolerable condition to which the catholic minority is reduced in the Territories by the ordinance of 1892, and the regulations prescribed by the council of public instruction, since the said ordinance has become in force.

Had not, then, the catholics a thousand times reason to ask its disallowance; and nobody could wonder at their deep disappointment on hearing that they have asked in vain.

I am inclined to think that the recommendation of the privy council will find an echo in the minds of the members of the council of public instruction and of the local legislature, and that a generous effort will be made to calm the ever increasing dissatisfaction of the catholic populations. Let Mr. Haultain recall to his mind his hesitations of the first hour and when the unfortunate ordinance was only at its second reading. Let him recognize to-day, as he admitted then, the incompatibility between certain dispositions of this ordinance and a spirit of the constitution which guarantees to the catholics the right to separate schools. Here are some of his kind words in our favour; I find them in the account of the speech delivered on that occasion. Did he not declare then (*Regina Leader*) "that there were some points in the bill he could not agree to, and which he would mention. He could not agree to the clause making uniform text-books compulsory, it was contrary to the constitution."

It is exactly what we say, and we have been extremely surprised to see him later, in his capacity as president of the council of public instruction, giving his sanction to a regulation which, in his own opinion, is contrary to the constitution.

I bring now to a close these notes already too long, begging your grace to accept the expression of my profound respect and the assurance of my entire devotedness in these painful circumstances.

A. E. FORGET.

ORDINANCES OF THE NORTH-WEST TERRITORIES.

No. 5 of 1884.

An Ordinance providing for the organization of Schools in the North-west Territories.

[*Passed 6th August*, 1884.]

Be it enacted by the Lieutenant Governor of the North-west Territories in Council, as follows.—

BOARD OF EDUCATION.

1. The lieutenant governor in council, sitting as an executive council, may appoint, to form and constitute the board of education for the North-west Territories, a certain number of persons, not exceeding twelve, six of whom shall be protestants and six Roman catholics.

2. Three of the protestant members and three of the Roman catholic members recorded at the foot of the list of the members of the board, as entered in the minute book of the council of the North-west Territories, shall retire and cease to hold office at the end of each year, which for the purposes of this ordinance shall be held and taken to be the thirtieth day of June annually; and the names of the members appointed in their stead shall be placed at the head of the list; and the six members so retiring in rotation and annually may be eligible for re-appointment, and such retiring members shall hold office until their successors are appointed.

3. It shall be the duty of the board:—

(1.) To make from time to time such regulations as they may think fit for the general organization of the schools;

(2.) To make regulations for the registering and reporting of daily attendance at all the schools in the North-west Territories, subject to the approval of the lieutenant governor in council;

(3.) To make regulations for the calling of meetings from time to time and prescribe the notices thereof to be given to members.

4. The board of education shall meet once a year at the time and place where the board may think fit.

5. The board shall resolve itself into two sections, the one consisting of the protestant and the other of the Roman catholic members thereof; and it shall be the duty of each section:

(1.) To have under its control and management the schools of the section and to make from time to time, such regulations as may be deemed fit for their general government and discipline and the carrying out of the provisions of this ordinance;

(2.) To arrange for the proper examination, grading and licensing of its teachers, the recognition of certificates obtained elsewhere and for the withdrawing of the license upon sufficient cause;

(3.) To select all the books, maps and globes to be used in the schools under its control and to approve of the plans for the construction of school houses; provided, however, that in the case of books having reference to religion and morals, such selection by the catholic section of the board shall be subject to the approval of the competent religious authority; and

(4.) To appoint inspectors, who shall hold office during the pleasure of the section appointing them.

6. The board of education, or any section thereof may, whenever they shall see fit, appoint and hold a meeting of such board or section in any part of the North-

west Territories and such meeting shall be as valid as if held in Regina, which shall be the usual place of meeting of such board or section.

7. The quorum of the board of education shall consist of a majority of the members and each of the sections of the same shall decide its own quorum.

8. Any member of the board of education absenting himself from the meeting of his section or of the board for six months, unless from sickness or absence from the North-west Territories, shall be considered to have *ipso facto* resigned his position, and the president of the section to which he belongs shall notify the lieutenant governor of the vacancy so caused and the member appointed to replace him shall hold office only for the unexpired term of the member whom he replaces.

SCHOOL DISTRICTS.

9. The words "school district" shall mean any tract of land declared by the lieutenant governor, as hereinafter provided, to be such school district, and the inhabitants thereof shall be a body corporate and politic for the purposes and with the powers and liabilities hereinafter specified.

10. Every school district shall be known under the corporate name of the "school district of " (here insert the name chosen by people of district) "protestant" (or "catholic") "public" (or "separate)" "school district no. " (given by lieutenant governor or lieutenant governor in council) "of the North-west Territories."

11. A protestant or catholic public or separate school district shall at its erection comprise an area of not more than thirty-six square miles, its extreme limits being not more than nine miles apart, and shall contain not less than four resident heads of families with a population of children of school age, that is to say between the ages of five and sixteen, of not less than ten.

12. Any person, whether male or female, of the full age of twenty-one years, not an alien or an unenfranchised Indian, who has within the limits of any proposed or existing school district possession in his or her own right of any land of the value of one hundred dollars or who is an occupant and cultivator of unpatented Dominion lands whether as a homesteader or otherwise, and any person who has, as a joint tenant or tenant in common, an unexpired lease for the term of one year of any certain parcel of land of which the yearly rental is at least twenty dollars, shall, unless disqualified as hereinafter provided, have the right to vote in all matters connected with such school district and shall be described in this ordinance by the word elector.

FORMATION OF SCHOOL DISTRICTS.

13. Any three resident electors of any locality fulfilling the requirements of section eleven of this ordinance may be formed or may form themselves into a committee to procure its erection into a school district, and may petition the lieutenant governor for such erection.

14. The petition shall set forth:

(1.) The proposed name in full, limits, definite location and approximate area of the proposed district;

(2.) The approximate value of the taxable property within the proposed limits;

(3.) Approximately the total population, the adult population and the population of children of school age, as defined in section eleven of this ordinance resident within the proposed district;

(4.) By an accompanying sketch, plan or map of the proposed district, its boundaries, principal legal subdivisions, principal physical features and general location;

(5.) The date upon and place at which a vote of the school electors of the proposed district will be taken to decide whether the majority is in favour of the locality being erected into a school district or not;

(6.) The petition must be accompanied by an affidavit of the several members of the committee, made before a justice of the peace, or notary public,

resident within the limits of the proposed district, or as near thereto as may be, that the members of the committee are *bona fide* resident electors of the proposed school district, and that the statements made in the petition are correct.

15. At least twenty-one days before the day mentioned in the petition to the lieutenant governor as the one upon which the before-mentioned vote is to be taken, the committee shall cause to be posted up in at least ten conspicuous and widely separated places within the district and also to appear in each issue of the newspaper published nearest the proposed school district for the same period, copies of the following notice:—

"All parties are hereby notified that the undersigned committee have petitioned the lieutenant governor for the erection of (give name in full) school district within the following limits, that is to say (define limits) and hereby call for a vote of the school electors within these limits to decide whether such petition shall be granted or not, to be given on the day of (the same being the day mentioned in the petition to the lieutenant governor and not less than twenty-one days from the posting of the last of the ten notices and the same time from the first appearance of the notice in the newspaper as hereinbefore provided). Votes will be received from nine o'clock a.m. until four o'clock p.m. The qualification of voters is expressed in the following oath which persons desiring to vote must take if required: 'You do solemnly swear that your name is (mention name given by the proposed voter); that you are the owner (tenant or occupant) of (describe the land voted upon); that it is of the value of one hundred dollars (or, if a tenant, of the yearly value of twenty dollars); that it is situated within the limits of the proposed school district, that you are of the full age of twenty-one years; that you are not an alien or unenfranchised Indian; that you have not received any corrupt reward and have no hope or expectation of receiving any such reward for voting at this time and place.'"

(Name of member of committee who is to act as returning officer.)

.....

Returning Officer.

(Name of second member of committee).....

(Name of third member of committee).....

School Committee.

(1.) Such notices may be either printed or written and must be in both the French and English languages.

VOTING ON ERECTION OF DISTRICT.

16. The committee shall appoint one of their number returning officer to act at the voting to take place as announced in the before-mentioned notices, and such returning officer shall have power to administer all oaths required by this ordinance and take all other action so required, and he shall be liable to the same penalties and disabilities as if he had been appointed by the lieutenant governor as in other manner provided in this ordinance.

(1.) In no case shall a returning officer vote at any election or voting under this ordinance except in case of a tie, when he shall give a casting vote.

17. The returning officer shall:—

(1.) Provide himself with a blank book, suitably ruled and headed, for the purpose of recording the vote cast, in which shall appear, in separate columns, but in one line, the name and sex of each voter, the description of the property voted upon, remarks, whether voter sworn or refused to be sworn, and the vote cast, whether "yea" or "nay" to the petition specified in the notice of voting being granted;

(2.) Keep posted in a conspicuous place at the place of polling a copy of the notice of voting in both languages, as provided in section 15;

(3.) Appear at the place on the day and at the hour mentioned in the notice of voting, and continue there during the hours mentioned in such notice of voting;

(4.) Question, either personally or by an interpreter in the voter's own language, if necessary, every person presenting him or herself to vote, as to name, sex and location or description of property, and record the answers given in the poll book;

(5.) If required by any person present or of his own accord, if deemed advisable, administer the oath prescribed in section 15 of this ordinance to the person desiring to vote;

(6.) If the voter is not required to be sworn, or if he takes the oath when required, ask him in an audible tone in the language spoken by him (either personally or through an interpreter) whether he votes for or against the granting of the petition expressed in the notices of voting, and record his answer in the column headed "yea" or "nay," according to the expressed wish of such voter;

(7.) Admit any two persons who have respectively voted for and against the petition, into the polling place, to act as scrutineers, and on demand allow either or both of them to see any vote being recorded in the book.

(8.) At the hour appointed in the notice of voting, sum up the votes cast and declare the result and also the time, being within the three days immediately following, the place, being within the district, when and where he will appear before two justices of the peace (at the same time giving the name or names) when, where and before whom he will appear for the final recount of votes, and when all complaints against the conduct or result of the election will be heard.

DECIDING RESULTS OF VOTING.

18. On appearing before the justices of the peace so named at the time and place appointed, the returning officer shall place in the hands of such justices the poll book used by him at the poll, and shall make an affidavit before such justices, which shall be inscribed upon such book, that the election has been conducted throughout in the manner provided by the ordinance (or with such exceptions as he shall mention) and that the returns contained therein are correct.

(1.) The justices of the peace shall then receive and record in writing any complaint that may be made under oath by any parties relative to the conduct of the election, and shall examine into and decide upon such complaints by taking evidence under oath.

19. Before proceeding to the hearing of any complaint, the justices of the peace shall require the complainant to deposit with the clerk of the court such sum, not being less than twenty-five nor more than one hundred dollars, as may seem necessary to them to cover the costs of the hearing of the complaint, which costs shall be paid according to the decision of such justices of the peace.

20. The decisions of the justices of the peace shall be as follows:—

(1.) If it be found that the proceedings in taking the vote have been irregular in essential particulars and that injustice has thereby been done, it shall be declared of no effect, and the justices of the peace shall forthwith forward to the lieutenant governor a full report to that effect;

(2.) If it be found that any vote has been cast by a person not duly qualified to vote, or on account of bribery or intimidation, it shall be struck off the poll book.

21. When all complaints have been heard and decided upon and the corresponding alterations duly made in the poll book, the justices of the peace shall finally sum up the votes cast and shall forward to the lieutenant governor a return showing the total number of votes taken on each side and the number remaining on each side after the recount.

(1.) In case of a tie after the final recount, the returning officer shall give a casting vote.

22. On receiving the returns of the voting on the petition for erection of a school district, as hereinbefore provided, the lieutenant governor shall:

(1.) If the vote has been declared of none effect, or if the majority of votes has been against the petition being granted, notify the petitioners to that effect and return their petition;

(2.) If the majority of votes have been in favour of the petition being granted, forthwith proclaim the district a school district in accordance with the terms of the petition addressed to him in that behalf, with such number as he may see fit, and in manner as hereinafter provided.

23. If it is desired in the case of any contested election or voting under this ordinance, to appeal from the decision of the justices of the peace, such appeal must be made under oath within twenty days from the rendering of the decision of the justices of the peace as hereinbefore provided, before the stipendiary magistrate of the judicial district within which the school district affected is situated, and the stipendiary magistrate shall thereupon investigate such appeal and shall confirm the election or vote, or set it aside and appoint the time and place of holding a new election, with costs, as to him may seem meet.

24. If two or more petitions for the erection of adjacent school districts, of which the proposed boundaries or any portion of them overlap, are received before either of them have been erected by proclamation as hereinbefore provided, the lieutenant governor shall, on receiving the returns of the voting in favour of both, before issuing the proclamation finally defining the boundaries and appointing the day for electing the trustees, alter the proposed boundary lines in such manner as shall appear to be an equal division of the territory in dispute between the said two districts, and shall so declare and fix the boundaries in his final proclamation; provided always that, in case by such alteration of boundaries either district should be reduced below the standard provided in section eleven of this ordinance, then such district shall not be so erected into a school district on the petition sent in.

SEPARATE SCHOOLS.

25. In accordance with the provisions of section ten of "The North-west Territories Act, 1880," providing for the establishment of separate schools, it shall be lawful for any number of property holders resident within the limits of any public school district, or within two or more adjoining public school districts or some of whom are within the limits of an organized school district, and others on adjacent land not included within such limits, to be erected into a separate school district by proclamation of the lieutenant governor, with the same rights, powers, privileges, liabilities and method of government throughout as hereinbefore provided in the case of public school districts.

26. Such separate school district shall be erected on petition of all those desiring to have their land set aside as a separate school district.

27. The petition for the erection of a separate school district shall state, in addition to the particulars mentioned in section fourteen of this ordinance:—

(1.) The description of the land held by each petitioner, its area, assessed value or probable assessable value, if outside the limits of a municipality, its situation in regard to present organized school districts as well as Dominion lands surveys and natural boundaries;

(2.) The number of children of school age resident within and adjacent to the proposed district, of the religious faith of the petitioners, who would probably attend such school.

28. Each such petition shall be accompanied by an affidavit of some person competent to verify the signatures and facts therein set forth.

29. Upon the receipt of such petition, the lieutenant governor shall, if there be no impediment requiring the consideration of the lieutenant governor in council, issue a proclamation erecting such separate school district and order the first election of trustees in the same manner as provided in the case of public school districts.

30. The lieutenant governor shall at the same time notify, in writing, the board of trustees of any public school district that may include the whole or any part of such separate school district within its limits, of the fact of the erection of such separate school district and of the lands of such separate school district having been withdrawn from such public school district.

31. Any land and personal property thereon set apart as a separate school district, shall be assessable by the public school district, within whose organized limits it is situated for the purpose of paying off any debenture indebtedness that may have been incurred during the time that such land was included as a part of such public school district, in the same manner and time and at the same rates as the remaining portion of such public school district may be assessed to pay off such indebtedness, but for no other purpose whatever.

32. Upon the election of the first board of school trustees of any separate school district they shall make a demand upon the trustees of the public school district or districts within whose limits such separate school district or any portion thereof was originally situated, for a sum of money equal to the equitable share of the ratepayers of such separate school district in any land, building or other property, whether real or personal, held by such school district, such share to be computed in proportion to the amounts from time to time paid into the funds of such public school district on account of the real and personal property included within the limits of such separate school district.

33. If such claim be not settled to the satisfaction of the board of of trustees such separate school district they may enter an action to recover the amount claimed in any court of competent jurisdiction within the limits of the judicial district in which such separate school district or any part thereof may be situated.

DIVISIONS OF AND ADDITIONS TO SCHOOL DISTRICTS.

34. Any public school district may be divided into two or more parts by proclamation of the lieutenant governor, on recommendation of the board of trustees of the district, after he shall have been satisfied that a vote has been taken on the question in the manner provided in the case of a school district, authorizing the issuing of debentures, and that the majority of duly qualified votes cast have been in favour of such division being made.

35. The method of the erection of the parts of such public school district into public school districts shall be the same as provided in the case of separate schools and the provisions of this ordinance contained in sections 25 to 30, both inclusive, relating thereto, shall apply as in the case of separate schools.

36. Any two or more public or separate school districts may be united in one public or separate school district by proclamation of the lieutenant governor in the same manner as that provided for the division of public school districts, and all the real and personal property held by all the districts shall thereby become the property of the united district.

37. The owner of any land situated outside the limits of any school district, or included in any school district, may have it included in an adjoining or adjacent school district, whether public or separate (but of the faith, either protestant or Roman catholic, to which the petitioner belongs) on petitioning the trustees of such district to that effect; and such petition shall be accompanied by the affidavit of the petitioner that he is the owner of such land.

38. The trustees, on receiving a petition to the effect and in the form and substance mentioned in the next preceding section of this ordinance, may annex the land of the petitioner to the district of which they are trustees, and shall notify the lieutenant governor that such land has been annexed to their school district, and shall announce the additions or changes that have been made, stating in particular the ownership and assessed value of the property affected, by notice in the newspaper published nearest the school district or districts affected; and they shall also notify in writing the petitioner and the board or boards of trustees of the district or districts that have been affected by the changes that have been made.

39. Parties petitioning for the organization of separate school districts or for any addition or change in the area or limits of any school district or districts, as hereinbefore provided, shall accompany such petition with such sum of money as may be deemed sufficient by the lieutenant governor to pay the necessary expenses connected with the changes petitioned for before they can require their petition to be considered.

PROCLAMATION.

40. The proclamation of the lieutenant governor erecting any district into a school district shall set forth:—

(1) The name in full, number, situation and limits thereof;

(2.) The date and place at which the first nomination and election of trustees shall be held, which may be filled in by the returning officer according to instructions of the lieutenant governor;

(3.) The hour, from nine o'clock, a.m., to ten o'clock, a.m., during which the nominations shall be received, and the hour (ten o'clock, a.m.) at which the voting, if any be necessary, shall begin, with the hour (four o'clock, p.m.) at which the poll shall be closed on the day of election;

(4.) The qualifications of persons who shall be entitled to vote at the election, which shall be the same as provided in section of this ordinance;

(5.) The qualification of persons who may be elected as trustees, which shall be the same as required in the case of voters, with the addition that the candidate must be possessed of real or personal property to the amount of five hundred dollars, is not undergoing punishment for any felony and, in case of other than the first election, has no contract, either direct or indirect, with the school district;

(6.) The name of the returning officer, to whom shall be sent the writ of election.

41. This proclamation shall be printed and posted up in at least ten public and conspicuous places throughout the district, at least fourteen days before the day appointed therein for the nomination and election of trustees, and shall be in both the French and English languages.

42. At the hour of nine o'clock in the forenoon of polling day, at the place appointed for the polling, the returning officer shall, in accordance with the proclamation, announce that he will receive nominations for the office of trustee or trustees of the school district for the space of one hour.

43. Nominations may be made verbally, by any two electors present, at any time during the hour mentioned.

44. The returning officer shall record the names of the persons nominated with the names of their nominators, and at the hour of ten o'clock shall declare the nominations closed and announce the names of the candidates nominated in the order in which they were nominated.

45. Should there be only as many candidates nominated as there are trustees required, the returning officer shall then and there declare such candidates duly elected.

46. Should a less number of candidates be nominated than there are trustees required (provided that at the first election there is at least one nominated), those nominated shall be declared elected by the returning officer, and he shall, from the duly qualified persons resident within the district, appoint, with their consent, as many persons as there are trustees required.

47. Should there be more nominations than there are trustees required, the returning officer shall call for a show of hands of those present in favour of the different candidates and shall record the number of votes cast for each candidate.

48. Should a demand be made by any elector of the district present that any person voting by show of hands be sworn, the returning officer, before recording his vote, shall administer to him the oath provided in section 15 of this ordinance, and, if he take the oath, then his vote shall be counted.

49. In case of a school district having a resident population of school electors of less than twenty-five, no further vote shall be taken, and the returning officer shall take proceedings as though a vote had been taken in accordance with the provisions of sections 50, 51, 52 and 53 of this ordinance.

50. But if the population of resident school electors of any district be greater than twenty-five, and if a poll be demanded by any elector present, the returning officer shall, at the hour and in the place appointed in the notice of election, open the poll and proceed to take and record the votes cast.

51. Every elector shall be entitled to cast as many votes as there are trustees to be elected.

52. The candidates, or an agent for each candidate, to act as scrutineers, (but no others) shall be allowed inside the polling booth with the returning officer.

53. The provisions of sections 16, 17, 18, 19, 20, 21 and 23 shall, with such alterations as may reasonably and equitably be necessary, apply to all elections of trustees under this ordinance;

(1.) Provided that in addition to the provisions expressed in the subsections of section twenty, if any candidate be shown to be not properly qualified or to have used bribery or intimidation to secure his election, his election shall be declared void.

54. After all the complaints, if any, have been heard and decided upon, and the corresponding alterations duly attested and entered in the poll book by the justices of the peace, the votes (if any vote has been taken) for the different candidates shall be summed up, and the candidates declared elected as follows:—

(1.) The candidate receiving the highest number of votes, either by polling or show of hands, as the case may be, or the one first nominated, if no vote has been taken, shall be elected to serve until the third Wednesday of the third January following the election;

(2.) The one receiving the second highest number of votes, or second in the order of nomination, shall be elected to serve until the third Wednesday in the second January following the election;

(3.) The one receiving the third highest number of votes, or third in the order of nomination, shall be elected to serve until the third Wednesday in the first January following the election;

(4.) If through disqualification or resignation, it shall be found that a less number of candidates remain than there are trustees required, the returning officer shall appoint persons to fill such offices, as provided in section 46.

55. In case any two candidates are found to have received an equal number of votes, the returning officer shall give a casting vote.

56. Each candidate elect shall take the following oath of office before one of the justices of the peace before mentioned:—

I, A. B., do solemnly swear that I will to the best of my ability, honestly and faithfully discharge the duties devolving upon me as trustee of (name of school district in full) school district no. during the term for which I have been elected in accordance with the ordinances of the North-west Territories. So help me God.

57. The justices of the peace shall grant to each trustee, after he has taken the foregoing oath, a certificate of election in the following form:—

We, A.B. and C.D., two of her majesty's justices of the peace in and for the North-west Territories, having examined the poll books submitted to us by E. F., returning officer in the election of school trustee or trustees for (give name in full) school district no. , held on the day of in the year of our Lord 18 , having heard all the complaints made in regard to such election, hereby declare (give name, residence and occupation of person mentioned) elected as school trustee for the within mentioned school district, to hold office until Wednesday, the day of January, 18 , and hereby certify that he has this day taken before one of us, to wit (naming which justice) the oath of office prescribed in section 56 of the ordinance respecting schools of the North-west Territories.

Dated

A.B. and C.D., *Justices of the Peace.*

58. A copy of each certificate so granted shall be forwarded by the returning officer to the lieutenant governor.

59. If the election has been declared void, the justices of the peace shall take charge of and forward to the lieutenant governor all the papers relating to the case, certified to by them. The lieutenant governor shall thereupon order a new election and appoint another returning officer.

60. The expense of all elections ordered by the lieutenant governor shall be defrayed out of the general revenue fund of the North-west Territories and shall be made a charge against the school district in whose behalf they were incurred, to be repaid within one year from the date of the election or voting on account of which they were incurred.

61. The regular annual election of a school trustee to fill the vacancy which occurs yearly under section 54 of this ordinance, shall be held on the third Tuesday in January in each year, if that day be not a statutory holiday, and, in case of it being a statutory holiday, then on the following day; other elections shall be held to fill vacancies that may occur in the board of trustees from time to time, from death, resignation or disqualification, and such elections shall take place within one month from the time of the occurrence of such vacancy.

62. At all such elections, the chairman of the board of trustees, or such person as he may appoint, shall act as returning officer.

63. The qualification of voters at such subsequent elections is expressed in the following oath, which shall be used in lieu of the one prescribed in section 15 of this ordinance:—

I. do solemnly swear that I am a *bonâ fide* ratepayer of (give name of district in full) school district no. that I have paid the taxes assessed against me on the last revised assessment roll of the district (or of the municipality for the district); that I am of the full age of twenty-one years, that I am not an alien or unenfranchised Indian, that I have not voted before at this election, and that I have not received any reward, either directly or indirectly, nor have I any hope of receiving any reward for voting at this time and place. So help me God.

64. The provisions of sections 40 to 60, both inclusive, shall, with such changes as may be reasonably and equitably necessary, apply to all elections of trustees and other votes taken under this ordinance.

BOARD OF SCHOOL TRUSTEES.

65. The ratepayers of every school district that may be established under this ordinance, and their successors, shall be a body corporate and politic under the name and number mentioned in the proclamation of its erection. It shall be represented by a board of three trustees, elected as herein provided, and bearing the name of the trustees of the (protestant or catholic) public or separate school district of (here insert the name and number). Such trustees on behalf of the corporation, shall have power to:

(1.) Acquire real or personal property by purchase, donation, devise or otherwise, and hold and enjoy, or alienate the same, for school purposes;

(2.) Enter into contracts, transact business, bind and oblige themselves and others within the limit of their functions;

(3.) Sue and be sued in any cause or before any court of justice;

(4.) Levy such taxation on the real and personal property within the district, in the manner hereinafter provided, as may be necessary for the discharge of the obligations entered into by the corporation of said school district for school purposes;

(5.) And generally exercise all the powers vested in them, which are necessary for the maintenance of schools within the district.

TRUSTEES.

66. A majority of the board of trustees shall constitute a quorum at all meetings; provided that in case the number of trustees is reduced to one, that one shall be held to be a quorum until other members are elected.

67. That member of the board of trustees whose term of office shall on his election consist of three terms, shall in all cases be chairman of the board for the first of the three terms for which he was elected;

(1.) Should the chairman at any time from any cause fail to attend to his duties as such, then that trustee whose term of office expires next before that of the chairman, shall be acting chairman until the chairman resumes his duties, or until his successor has been elected;

(2.) In case the acting chairman fails to act, then the remaining trustee shall be acting chairman until as provided in the preceding subsection.

68. The chairman shall: 1. Call all meetings of the board and public school meetings, and preside at such meetings; 2. Have general supervision of the affairs of the district: 3. Certify all accounts against the district before such accounts be paid by the treasurer; 4. Act as returning officer, or appoint some other person to act as such, at all elections that may be held or votes that may be taken, during the period of his chairmanship.

69. The board of trustees at its first meeting in each year shall appoint a secretary, who may be one of their number, whose duty it shall be to: 1. Keep a minute of all the meetings of the board; 2. Answer all communications on school matters in such manner as he may be directed by the board; 3. Examine the records of the school kept by the teacher and see that they are correct; 4. Forward to the lieutenant governor, from time to time, the reports, provided for in this ordinance, and give such other information in regard to the school district as may be desired from time to time by the lieutenant governor, the board of trustees, or the school inspector; 5. Have charge of and keep on record all the books, papers, accounts, assessment rolls and other matters committed to his charge by the board of trustees during his term of office, and deliver the same to the chairman of the board on ceasing to hold office.

70. Should the secretary at any time be unable to attend to his duties, the chairman shall appoint some member of the board to act as secretary until the secretary resumes his duties, or until the board sees fit to appoint another secretary.

71. By motion of the board one of the members thereof may, with his consent, be appointed treasurer of the district for the whole or any part of the term for which he was elected to serve, but such treasurer shall receive no remuneration for his services, and the members of the board shall individually and collectively be held responsible by virtue of their office for the safe keeping of all sums of money placed in such treasurer's hands.

72. Should it be found inexpedient to appoint a member of the board as treasurer, then the board shall appoint a responsible resident of the district to be treasurer, or secretary-treasurer, during the pleasure of the board, at such rate of remuneration as may be agreed upon. Every such treasurer shall before entering upon his duties as such, give security to the school trustees by a bond signed and acknowledged before a magistrate, and such security shall be given by at least two solvent sureties jointly and severally to the satisfaction of the board of trustees, and to the amount of any moneys for which the treasurer may at any time be responsible, whether arising from the school fund or from any particular contribution or donation paid into his hands for the support or benefit of the school, and such security shall be renewed at the beginning of each year, or renewed at other times or changed whenever renewal or change is required by the board of trustees.

73. It shall be the duty of the treasurer to collect, receive and account for all school moneys, whether derived from the government or otherwise, for the purpose of education, within the district of which he is treasurer, and to distribute such moneys in the manner directed by the board of trustees, and he shall give and take receipts for all moneys so received and paid out by him, which he shall, when called upon, produce before the board of school trustees, as also all moneys or accounts in his charge, and shall hand over the same to the board of trustees on his ceasing to hold office.

74. Should the treasurer be at any time unable to attend to his duties the secretary, if the treasurer be a member of the board, shall attend to such duties in

his place, but if the treasurer should not be a member of the board, then the board shall appoint some person to attend to his duties, under the necessary bonds, and in the meantime the board of trustees shall be held to be the treasurer of the district.

75. It shall be of the duties and within the powers of any board of trustees of any school district to:

(1.) Engage a school teacher or teachers on such terms as the board may deem expedient;

(2.) Procure a suitable building or buildings by purchase, lease or otherwise, for use as a school-room, in as central a location and of as satisfactory a character as possible with, if expedient, a play-ground attached;

(3.) Make such assessments on the real and personal property of the district and levy such taxes as may be necessary to defray the expenses authorized to be incurred in the proceding subsections, and all necessary expenses incurred in the election of trustees, keeping the accounts or transacting the business of the district, and in furnishing the school-room with school material, furniture and firing;

(4.) Inspect the school, see that good order is kept and proper instruction is given and dismiss the teacher or any of the pupils for misconduct or immorality, or the teacher for incapacity;

(5.) See that true accounts both of the school and district are kept, and that the affairs of the district generally are conducted in the manner provided in this ordinance and with a due regard to efficiency and economy;

(6). Select all the books, maps and globes to be used in the schools under their control from the list of those authorized by the lieutenant governor in council; provided, however, that in the case of books, no other books shall be used by the trustees of any catholic school district than the books selected by the catholic section of the board of education in the province of Manitoba.

(7.) Provide, free of cost, out of the funds of the district, books and slates for the use of children resident within the district and attending school, when parents are unable through poverty to procure the necessary books and slates for them, the right to such books and slates to rest in the school district;

(8.) Provide, when deemed expedient, a suitable library for the school district, free of charge, making such regulations as to lending and the prevention of loss or damage to the books of such library as they may think fit;

(9.) Provide when deemed expedient, out of the school funds, prizes to be competed for by the children at times and in manner to be agreed upon by the trustees and teacher.

DUTIES OF TRUSTEES.

76. A trustee may resign at any time by notifying the chairman of the board, or, if he be the only remaining member of the board, the lieutenant governor to that effect, in writing.

77. Any trustee who shall: 1. Be absent from the district more than three months at any time; 2. Fail to attend three consecutive meetings of the board, the same having been duly called by written notice left at his house or place of business; 3. Have become insolvent or convicted of any felony, may be declared disqualified on motion of the board and his seat as trustee declared vacant and an election to fill the vacancy shall be held as hereinbefore provided.

78. If the lieutenant governor shall at any time receive the resignation of the sole remaining member of a board of trustees of any school district, or a certificate of any two justices of the peace or of the school inspector for the school district mentioned, that the board of trustees has ceased to exist, he shall order another election of trustees, as provided in section 40 of this ordinance, or shall hold the matter over for the consideration of the lieutenant governor in council as hereinafter provided.

TEACHER.

79. As soon as possible after the first election of trustees in any school district, and at such other times as may be expedient, the trustees shall engage a suitable person as school teacher for such term, not being more than one year, and at such salary as may be mutually agreed upon.

80. It shall be the duty of the teachers to: 1. Preside over and maintain good order in the school; 2. Teach from such and only such books as may be ordered or permitted by the trustees, as provided in this ordinance; 3. Hold a public examination of the classes in the school at least once in six months, or otherwise as directed by the trustees; 4. Admit trustees, school inspectors, parents of children attending, or ratepayers of the district to the school-room at any time; 5. To report to the trustees, from time to time, on the necessities of the school and the behaviour of the children attending it; 6. Punish children for misbehaviour, inattendance or disobedience, in such manner as the trustees may permit or direct; 7. Keep a true register of the school, according to the forms supplied by the lieutenant governor, and make such returns as may be required by the trustees or the lieutenant governor or lieutenant governor in council under this ordinance.

CONDUCT OF SCHOOL.

81. School shall be held between nine o'clock and twelve o'clock in the forenoon, and one o'clock and four o'clock in the afternoon of every day in the year, not including Saturdays, Sundays, statutory holidays, the two weeks following the twenty-third day of December in each year, summer holidays (not exceeding four weeks) during the months of August or September, as may be directed by the trustees, and any other holidays that may be permitted by the board of trustees.

82. A recess of fifteen minutes in the forenoon and the same length of time in the afternoon may be allowed the children attending school, at the pleasure of the board of trustees.

83. A form of prayer, adopted by the board of trustees, may be used by the teacher at the opening of the school each day.

84. No religious instruction, such as bible reading, or reciting, or reading or reciting prayers, or asking questions or giving answers from any catechism, shall be permitted in any public or separate protestant or catholic school in the Northwest Territories, from the opening of such school at nine o'clock in the forenoon until the hour of three o'clock in the afternoon after which time any such instruction as may be allowed under this ordinance and permitted or desired by the trustees of the district may be given.

85. Any child attending any school whose parent or parents or guardian is or are of the religious faith different from that expressed in the name of such school district, shall have the privilege of leaving the school-room at the hour of three o'clock in the afternoon, or of remaining without taking part in any religious instruction that may be given, if the parents or guardian so desire.

86. And it shall be unlawful for any teacher or school trustee to, in any way, attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school, and such action on the part of any school trustee, inspector or teacher shall be held to be a disqualification for and voidance of the office held by him or her.

87. No fee shall be charged by any school district on account of the attendance of any children whose parents or guardians are ratepayers of such district, at the school thereof; but a rate not exceeding five cents per day, payable in advance, may be charged on any children resident outside the limits of such district, whose parents or guardians are not ratepayers of such district.

INSPECTORS.

88. The lieutenant governor may appoint from time to time school inspectors for the different districts of the country and at the time of such appointment designate the school districts which such official may inspect; provided that protestant and Roman catholic schools shall be inspected by officers of their own faith.

89. Inspectors shall not be entitled to any remuneration for their services.

90. It shall be the duty of the inspectors to:-

(1.) Visit from time to time the schools under their charge and examine the pupils in the different classes as to proficiency in their studies;

(2.) At the desire of the trustees of any district, examine the teacher employed or proposed to be employed by such trustees as to his proficiency in the studies he is expected to teach and as to his methods of teaching;

(3.) Examine any candidate for the position of teacher who may apply to him for such examination and grant him such certificate of proficiency in study and method as he may think just;

(4.) Report from time to time to the lieutenant governor as to the efficiency, methods and usefulness of the schools under his charge as he may deem advisable, and also when deemed advisable to the trustees of the different districts.

AID TO SCHOOLS.

91. Every school district organized under this ordinance shall receive aid from the general revenue fund of the Territories of the amount and in manner as follows, provided that such funds be voted for such purpose from time to time by the North-west council.

92. The teacher of such public school district shall at the close of each quarter, that is, at the ends of March, June, September and December, forward to the lieutenant governor a copy of the school register for such quarter, showing: 1. The days on which school was held during the quarter; 2. The attendance of children for each day, their denomination or religious faith, with the number of males and females; 3. The amount of the teacher's salary for that quarter.

93. This statement shall be signed by the teacher and certified as correct by the chairman of the board of trustees, and shall be accompanied by a receipt of the school teacher to the board of trustees of the district for one-half of the salary payable to the teacher for that quarter up to the amount of $800 per year. Such receipt shall be *prima facie* evidence of payment of such salary and may be produced as such in any court of law.

94. If it shall appear from such return that the average attendance at such school for the days on which it was kept open has been ten scholars or over, then the lieutenant governor shall cause to be transmitted to the treasurer of the board of trustees for the district an amount equal to that paid by the trustees to the teacher to be paid over to the teacher, and the treasurer shall take a receipt from the teacher on payment of the amount to him, which receipt shall be transmitted to the lieutenant governor.

95. In case of a teacher becoming unfitted for duty by sickness, the trustees may, at the end of the then current quarter, discharge such teacher by paying him up in full to the end of that quarter, and on the quarterly return being forwarded to the lieutenant governor, in the manner provided in section 92 of this ordinance, with a statement of the circumstances of the case, he shall cause to be paid to such teacher the sum of money to which he would have been entitled had the school been kept open regularly and the average daily attendance been ten pupils or over.

96. If a teacher be engaged for a less term than three months or at a less salary than at the rate of $300 a year, or if the provisions of this ordinance are not complied with by any school district, then the district employing such teacher, or otherwise not complying with the terms of this ordinance, shall not be entitled to receive aid as provided in the preceding sections of this ordinance.

ASSESSMENT.

97. When a school district is situated within a municipality, the trustees shall as soon as may be after the final revision of the assessment roll of the municipality, make a demand on the council of such municipality for the sum required for school purposes for the then current year; but such sum shall not exceed an amount equal to five mills on the dollar, according to the last revised assessment roll, on the pro-

perty liable to assessment in such school district for ordinary school purposes, with such additional amount as may be necessary to meet any debenture indebtedness that may have been incurred and becoming due.

98. When property owned by a protestant is occupied by a Roman catholic and *vice versa*, the tenant in such cases shall only be assessed for the amount of property he owns, whether real or personal, but the school taxes on such rental or leased property shall in all cases, and whether or not the same has been or is stipulated in any deed, contract or lease whatever, be paid to the trustees of the district to which belongs the owner of the property so leased or rented and to no other.

99. Whenever property is held jointly, as tenants, or tenants in common, by two or more persons, the holders of such property being protestants and Roman catholics, they shall be deemed and held accountable to the board or boards of trustees for an amount of taxes in proportion to their interest in the premises, tenancy or partnership respectively, and such taxes shall be paid to the school of the denomination to which they respectively belong.

100. If a school district be situated partly within two or more municipal corporations, then the board of trustees shall make a demand upon each of such corporations for that proportion of the amount of money required by such school district, which may justly be demanded by such school district, according to the amount of property included within the limits of the district and situated within the limits of such municipality.

(1.) In case there is a difficulty in arriving at a proper assessment of the different portions of the school district, the trustees may levy an assessment as provided in the subsequent sections of this ordinance.

101. If a school district be not situated within the limits of any municipal corporation, then the trustees of such district shall themselves, or by means of an assessor, make an assessment of the real and personal property within the district and inscribe the same upon an assessment roll in the form as hereinafter provided.

102. The trustees of any school district, or an assessor whom they shall appoint, shall, as soon as may be in each year, prepare an assessment roll for the district, in which shall be set down according to the best information to be had, a list of all the taxable property in the district, with the names of the occupants and owners, if such can be procured, and such list shall contain in one line, but in different columns, the following information:—

(1.) Name of occupant or person in possession (if there be no occupant, a statement to that effect): (*a.*) Religion of occupant; (*b.*) Sex; (*c.*) Age; (*d.*) Occupation; (*e.*) Place of residence.

(2.) Name of owner, if it can be ascertained, (If owner's name be unknown, such particulars concerning ownership of property as may be known): (*a.*) Religion of owner; (*b.*) Sex; (*c.*) Age; (*d.*) Occupation; (*e.*) Place of residence.

(3.) Description of real property in occupation of each person: (*a.*) Part of section; number of section, township, range and meridian, or number and description of lot, in special survey, or number of lot, house or other particulars of each parcel; (*b.*) Improvements in cultivated land (giving area), and buildings (giving size), on each parcel; (*c.*) Area in acres or feet of each parcel: (*d.*) Value of each parcel; (*e.*) Total value of real property.

(4.) Description of taxable personal property: (*a.*) Taxable personal property, other than income, with particulars; (*b.*) Value of such personal property; (*c.*) Taxable income; (*d.*) Total value of personal property, including taxable income.

(5.) Total value of taxable real and personal property.

103. "Land," "real property" and "real estate," respectively, shall include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form, in law, part of the realty, and all trees or underwood growing upon the land, and all mines, minerals, quarries, fossils in and under the same, except mines belonging to her majesty.

(2.) "Personal estate" and "personal property" shall include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock, money, notes, accounts and debts, at their actual value, income and all other property, except land and real estate and real property, as above defined, and except property herein expressly exempted;

(3.) "Property" shall include both real and personal property, as above defined.

104. All real and personal property situated within the limits of any school district, or income derived by any person resident within the limits of such district, in the North-west Territories, shall be liable to taxation subject to the following exemptions:—

(1.) Real property held or reserved by the Canadian government, or held for the public use of the Territories, or for any municipality within the Territories, or any school district within the Territories, or any tribe of Indians within the Territories; or any church, with not more than one acre of land attached, or any parsonage with not more than one acre of land attached, or any graveyard not being more than one hundred and sixty acres in extent, or any hospital, orphanage or charitable institution of any religious body within the Territories, with not more than one acre of land attached; all lands or personal property especially exempted from taxation by the parliament of Canada or of Great Britain; provided always that when such real property is not occupied by or for the direct uses of the parties mentioned in the foregoing exemptions, the occupant shall be assessed in respect of such property;

(2.) There shall further be exempted all farm produce held by any person, not the producer, for the sole purpose of shipment out of the district; the net personal property of any person to the amount of one hundred dollars; the annual income of any person to the amount of four hundred dollars; all income derived from real property or capital liable to taxation by the district, and household effects, of whatever kind, except musical in truments.

105. A person occupying property or deriving income not liable to taxation, may compel the assessor, on written demand, to assess him for such property or income in order that he may thereby be qualified for voting or holding office.

106. Land and personal property shall be assessed against the person in occupation or possession thereof, unless when in the case of a non-resident owner, such owner shall in writing require the assessor to assess him alone for such property.

(1.) But the person assessed shall in all cases, unless there is a stated agreement to the contrary, have summary recourse against such owner for the amount of taxes paid;

(2.) Provided always that, if the occupant be of the religious faith different from that expressed in the name of the school district being either protestant or Roman catholic, he, upon giving the assessor notice in writing to the effect that he desires to pay his school taxes to any certain district of the faith, either protestant or catholic, to which he claims to belong, and by truly informing the assessor as to who is the owner, and where he may be found, he shall only be assessed for that part of the property, either real or personal, of which he is owner.

107. No ratepayer shall be entered for assessment more than once on the assessment roll, and the taxes may be recovered either from the owner or occupant.

108. Where more persons than one are joint tenants, or tenants in common, or holders of any property, they, or any number of them, shall be assessed for the whole of such property, subject always to the provisions of section 99 of this ordinance, and such assessment may be levied upon any one or more of them, saving always the recourse of such persons against the remaining holders, tenants or owners.

109. Real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor.

110. Land held in actual use and not for purposes of sale, shall be appraised at the value which it is reasonably worth for the purposes for which it is in use.

111. Any person may be required by the assessor to deliver to him a written statement of all property for which he is liable to be assessed, with such other information as to owner, occupant, location and value, or other necessary particulars as may be demanded, and if he fails to do so or knowingly makes any false statements, such person shall, upon complaint of the assessor and upon conviction before a justice of the peace having jurisdiction within the district, forfeit and pay a fine of twenty dollars, to be recovered in like manner as other penalties upon summary conviction before a justice of the peace.

112. The assessment roll shall be completed as soon after the first of February in each year as shall be deemed expedient by the trustees, and the assessor shall, before handing the roll over to the secretary of the board of trustees, make affidavit (which shall be inscribed upon the roll) before a justice of the peace, that the statements contained therein are correct to the best of his knowledge and belief, after making due inquiry in each case.

COURT OF REVISION.

113. On receipt of the assessment roll by the secretary of the board of trustees in form as hereinbefore provided, he shall file the same, and at all convenient office hours shall keep it open to the inspection of all persons resident within the district or owning or in the possession of property, or in the receipt of incomes within the district, for at least the space of two weeks and until the sitting of the court of revision.

114. As soon as the assessment roll shall have been completed and filed as hereinbefore provided, the secretary of the board of trustees or the assessor shall notify in writing, by post or otherwise, every person whose name appears upon such roll and whose address is known, as follows:—

SCHOOL DISTRICT no. }
SIR (OR MADAM):— Month, day, year. }

You are hereby notified that your name appears on the assessment roll of this school district for the present year as the owner (or occupant) of the following property: (Then give description of property and assessed value.) The board of trustees for the district will sit as a court of revision, as follows: (Mention day, hour and place at which court shall be held), and if you consider that you have been wrongfully assessed as above stated you will have an opportunity to make a statement of your case before the above court.

Take notice that if you do not appear before this court of revision you will not be entitled to appeal from its decision to the district court.

.....
Secretary Board of Trustees.

(or.....
Assessor School District No.)

To.....

115. The board of trustees shall cause to be posted up in at least ten conspicuous places within the district, a notice that the assessment roll of the district for the current year has been made up, and where it may be examined, also the times and places at which the court of revision will be held, with a notice that such parties as do not appear before the court of revision will not be entitled to appeal from the decision of the court of revision to the district court.

116. The board of trustees of any school district shall sit as a court of revision not less than fifteen or more than thirty days from the posting of the last of the notices hereinbefore mentioned, and shall hear all complaints that may be entered

up to the end of the day so appointed, and may adjourn from day to day until such complaints have been disposed of, but complaints entered after the day mentioned may or may not be recognized by such court of revision.

117. Such court of revision shall have power to take evidence under oath, if necessary, either on behalf of the appellant or the school district, and shall alter or amend the assessment roll as to them shall seem to be in accordance with what is just and right.

118. If a person be dissatisfied with the decision of the court of revision, he may appeal therefrom by entering a notice to that effect with the clerk of the district court for the division in which the school district is situated, and by depositing with the clerk of the court the costs of such appeal. Such notice of appeal must be entered within four days after the close of the court of revision for the school district. The clerk shall forthwith issue an ordinary summons returnable at the then next court sittings in the division in which such district lies, making the trustees defendants, and cause a copy, with the notice of appeal attached, to be served on the secretary of the school board.

119. The tenant, occupant or owner of any real or personal property situated within the limits of any organized school district, may elect to pay the amount of taxes for which he is assessed on any property that he may have, to another school district, provided such school district is of the class, either protestant or catholic, different from the one in which the property of which he is the occupant or possessor, is situated, and of the class to which such person claims to belong, at any time after the assessment is made and before the last sitting of the court of revision of the district; and he shall notify the assessor of the district in which he is assessed, to that effect, and the assessor shall thereupon note in the assessment roll the fact of such notice having been received.

RATE OF ASSESSMENT.

120. The trustees of the school district shall make out an estimate of the probable expenditure of the district for the current year, and shall strike such rate of assessment on the assessed value of the property, both real and personal, within the district, as shall be sufficient to meet such probable expenditure, making due allowance for all charges and probable loss in collection.

(1.) Such rate shall not exceed five mills in each dollar of property liable to taxation for ordinary school purposes, with such additional rate per dollar as may be necessary to meet any debenture indebtedness that may have been incurred by such school district on the terms upon which it was incurred.

121. Such rate shall not be struck until after the sitting of the court of revision, but as soon thereafter as may be, and in case of any appeals having been made to the district court, the rate shall not be struck until after the sittings of the court to which such cases were appealed, provided that a sitting of the said court be held within sixty days after the close of the court of revision.

COLLECTION.

122. The board of trustees shall cause to be made out a collector's roll for the school district, on which shall be set down the name of every person assessed, the assessed value of his real and personal property and the amount with which such person is chargeable according to the rate of taxation struck in respect of sums ordered to be levied by the board of trustees, with any other particulars that may be necessary, and such roll shall be placed in the hands of the treasurer for collection.

123. As soon as the treasurer shall have received the collector's roll, he shall remit or cause to be remitted by mail or otherwise, to each person whose name appears upon it as assessed for taxes, a notice in the following form:—

School district, no. month, day, year.

SIR (or MADAM),—You are hereby notified that you are assessed on the assessment roll of this district for the following properties: (here give description and

assessed value) the taxes on which, at the rate of on the dollar, amounts to (here mention amount). If the above amount is not paid to the undersigned within thirty days from the date of this notice, action to recover, as provided by law, will be taken.

....

Treasurer, School District No.

To..... ....

124. The treasurer shall give receipts on behalf of the school district for all taxes paid to him, and shall enter the fact of such payment having been made, with the date of payment, on the collector's roll.

125. As soon as judgment has been given in the cases of assessment appealed to the district court, the trustees shall alter, amend or erase from the assessment and collector's rolls in accordance with such decision, and the treasurer may proceed to the collection of all such taxes without notice.

126. The treasurer shall notify the board of trustees from time to time of the persons who fail to pay the taxes assessed against them, and the board of trustees shall take, or authorize to be taken, such action for the collection of such taxes as is hereinafter provided in this ordinance.

127. In case any person fails to pay the taxes assessed against him during the thirty days of notice provided in section 123 of this ordinance, the treasurer may, by himself or his agent, levy the same with costs, by distress of the goods and chattels of the person against whom the same is assessed, situated within the school district, or of any goods or chattels found upon the premises assessed, the property of or in the possession of any other occupant of the premises, and the costs chargeable shall be those payable to deputy sheriffs.

128. The treasurer shall by advertisement, posted up in at least three public places in the school district, wherein the sale of goods and chattels distrained is to be made, give at least six days' public notice of the time and place of such sale and of the name of the person in payment of whose taxes the property is to be sold, and, at the time named in the notice, the treasurer, or his agent, shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes assessed, with all lawful costs up to the close of sale.

129. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, it shall be returned to the person in whose possession the property was when the distress was made.

(1.) If any such claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant;

(2.) If the claim is contested, such surplus money shall be paid over by the treasurer of the district to the clerk of the division of the district court, within whose jurisdiction such school district is situated, who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

130. If the taxes payable by any person cannot be recovered in any special manner provided by this ordinance, they may be recovered, with interest and costs, as a debt due the school district, in which case the production of the collector's roll or a copy of so much thereof as relates to the taxes payable by such person, certified as a true copy by the secretary of the school district, shall be *prima facie* evidence of the debt.

131. An abstract from the assessment and collector's rolls of the district to which such person as is mentioned in section 119 of this ordinance, has elected to pay his assessment, showing that he has been assessed in that district for the property, the assessment of which he desired to have made therein, and has paid the taxes assessed thereon, according to the rate levied by that district for the year, accompanied by

the affidavit in regular form of the assessor and collector of such district, that the before mentioned abstract is correct, shall be held to be evidence that he has paid his taxes to that district, and he shall then not be liable for taxes to the district within the limits of which the land or property of which he is the owner or occupant is situated, but if the before-mentioned abstracts be not produced with the affidavits required within thirty days from the first demand made by the treasurer of the district within which the land occupied by him lies, he shall pay the taxes assessed against him on the assessment and collector's rolls of that district to the collector thereof, and on producing proof of such payment in the manner provided in the preceding portion of this section, he shall be relieved from paying the taxes assessed against him by the district to which he elected to pay his taxes in regard to the personal property hereinbefore mentioned, and such taxes shall on collection be paid over, less costs of collection, to the treasurer of the district to which such person desired to pay his taxes.

(1.) In no case shall a catholic be compelled to pay taxes to a protestant school or a protestant to a catholic school.

132. The treasurer shall on or before the first day of December in each year return the collector's roll to the secretary of the board of trustees, with an account of all moneys received by him, accompanied by an affidavit, made before a justice of the peace, that the collection and other proceedings have been taken in accordance with the terms of this ordinance and that all the returns contained therein are correct.

133. The treasurer shall at the same time make a return in particular, certified by affidavit as provided in the next preceding section, of all property upon which the taxes, or any portion thereof, remain unpaid, and the reason of the failure of such payment.

(1.) A copy of such return shall be kept on file by the secretary of the school district and shall be open to inspection of all ratepayers of the district or their agents.

134. The taxes accrued on any land or property shall be a special lien on such land or property, having preference over any claim, lien, privilege or encumbrance of any party, except the crown, and shall not require registration to preserve it.

135. Such accrued taxes shall be entered upon the assessment roll of the district against such property from year to year and shall be held to be payable, if not otherwise collected, at the same time and in the same manner as the ordinary taxes of the year.

136. Whenever the treasurer is satisfied, or is notified by the board of trustees, that there is sufficient distress upon any real property within the district which is in arrears for taxes, he shall proceed to levy the amount due in the same manner and under the same provisions as are contained in section 127 of this ordinance.

137. Whenever a portion of the tax on any land has been due for and in the third year, or for more than three years preceding the current year, the board of trustees may prepare a list, which shall be in duplicate, of all the lands liable to be sold for arrears of taxes under this ordinance, with the amount of arrears against each lot, parcel or subdivision, and all other lawful charges standing against such land on account of such arrears of taxes, and the chairman shall certify to the correctness of such lists. One of the said lists shall be deposited with the clerk of the division of the district court having jurisdiction within the school district, and the other placed in the hands of the treasurer, with a warrant thereto annexed, commanding him to levy at a certain date upon the land for the arrears due thereon, with the costs.

138. The proceeding for the sale of land for school taxes shall be the same, *mutatis mutandis*, as those provided by the municipal ordinance of 1884.

INCURRING DEBT.

139. Should it appear desirable to the board of trustees of any school district that a sum of money should be borrowed upon the security of the district for the erection, purchase or improvement of a school building or buildings for the district, or for the purchase or improvement of sites for such school building or buildings, or

for the purchase of suitable play grounds for the children attending the school or schools of the district, they shall, before proceeding to borrow such sum of money, receive the sanction of a majority of the ratepayers of the district, by taking a vote thereon as hereinafter provided.

140. The board of trustees shall give notice of the polling to take place by printed posters displayed in at least twenty conspicuous places throughout the district, at least twenty days before the polling, and by advertisement for the same length of time, once each week, in the newspaper published nearest the school district.

141. The notice of polling shall set forth: 1. The sum of money which it is desired to borrow; 2. The term for which it is to be borrowed; 3. The rate of interest to be paid; 4. The purpose or purposes for which the money is to be expended, and the amount to be expended upon each; 5. The rate of taxation which it will be necessary to levy on the assessable property of the district according to the last finally revised assessment roll, in order to pay the principal and interest necessary to be paid on such loan, in accordance with the terms on which it is to be contracted, such terms being within the limitations provided by section 149 of this ordinance; 6. The place, day and hours of voting, the hours in all cases being from ten o'clock a.m. until four o'clock p.m.; 7. The qualification of voters, which shall be the same as provided in section 12 of this ordinance.

142. A certified copy of the notice of polling shall be furnished to the lieutenant governor by the chairman of the board.

143. The chairman of the board of trustees shall be returning officer, and shall act as provided in sections 17 and 18 of this ordinance.

144. The method of taking the vote, administering the oath and conducting the polling shall be as provided in sections 50, 51, 52, 53, 54 and 55 of this ordinance.

145. Scrutineers shall act as provided in subsection (7) of section 17 of this ordinance.

146. The poll shall be closed and the first summing up and the final recount of votes made in accordance with subsection (8) of section 17 and section 21 of this ordinance.

147. The lieutenant governor, on satisfying himself from the information submitted to him, as hereinbefore provided, that the vote has been properly taken, shall, in writing, empower the board of trustees to borrow the sum or sums of money mentioned in the notice of polling, or the contrary, according to the expressed wish of the majority of the legally qualified voters of the district.

148. Provided that if it shall appear to the lieutenant governor that any school district desiring the power of borrowing money is not in a condition to repay such money at the time and in the manner set forth in the notice of polling, he may withhold his sanction to the borrowing of such money by such school district, although a majority of the ratepayers may have voted in favour of it, and shall refer the matter to the consideration of the lieutenant governor in council.

149. All money borrowed under this ordinance shall be borrowed by debenture:

(1.) The total face value of the debentures issued shall not be for a greater sum than one-tenth of the total assessed value of the real and personal property within the district, according to the last finally revised assessment roll of the district.

(2.) Debentures shall not run for a longer term than ten years, and shall be redeemable in equal annual instalments.

(3.) Debentures shall be of the form following:—

School district no $ Debenture no

The trustees of school district no promise to pay the bearer, at the at the sum of dollars of lawful money of Canada, in equal annual instalments from the date of the countersigning hereof, with interest at the

rate of eight per cent per annum, at the terms and in the amounts specified in the coupons appearing on the back of this debenture.

.....

Chairman (or Acting Chairman).

.....

Trustee, Secretary-Treasurer.

Countersigned this day of 188

....

Lieutenant Governor N. W. Territory.

(*Coupons.*)

Coupon no.

Debenture no.

The board of school trustees of school district no. will pay to bearer at the bank at on the day of 188 , the sum of dollars, being the payment with the total interest at the rate of eight per cent per annum, due on that day on school debenture no

....

Treasurer, School District No.

Countersigned

.....

Lieutenant Governor N. W. Territory.

(4.) The treasurer of the school district shall keep a register giving the names of all persons who may have purchased any of the debentures of such district and the coupons thereof, with the time of purchase of such debentures, and on any sale of such debentures or coupons to other parties being reported to him by the buyer and seller of such debentures or coupons with a request for registration, he shall register the date and circumstances of such transfer.

150. The trustees of any school district having received notice from the lieutenant governor, authorizing them to contract a loan as hereinbefore provided, shall issue debentures therefor in the form set forth in subsection (3) of the next preceding section to secure the amount of the principal and interest of such loan upon the terms specified in the notices of polling before mentioned, and said debentures and the coupons thereof shall be sufficient, when signed by two of the trustees of the district and countersigned by the lieutenant governor, to bind such school district, and to create a charge or lien against all school property and rates in the school district for which such loan is made.

151. All debentures shall, on redemption, be transmitted to the lieutenant governor by the board of trustees for registration and cancellation by destruction.

SCHOOL MEETINGS.

152. A meeting of the ratepayers of every public school district shall be called by the chairman of the board of trustees for the first Tuesday in January in each year, or such other day, not later than the Saturday following, as may be expedient, by public notice, giving the day, place and hour of meeting, and such notice shall be posted in ten conspicuous places within the district one week before the day for which the meeting is called.

153. The chairman of the board of trustees shall be chairman of the meeting, and the meeting shall elect a secretary, who shall record the minutes thereof.

154. There shall at such meeting be submitted in writing by the board of trustees and read to the meeting:—

(1.) By the secretary thereof, a statement by the teacher and signed by him, giving the following particulars:—(*a*) The number of days on which school was kept open during the year succeeding the last annual meeting; (*b*) The total number of children attending school during that period, specifying the number of males and females respectively; (*c*) The average age of the children attending school; (*d*) The religious faith professed by the children, or their parents on behalf of the children; (*e*) The average daily attendance throughout the year; (*f*) The branches of education taught in the school, and the number of children studying each; (*g*) The number of dismissals of scholars for misbehaviour or other causes; (*h*) Such general remarks as to the progress and well-being of the school as he may desire to make.

(2.) By the secretary of the board of trustees and signed by him, a statement showing: (*a*) The names of the trustees for the year, with the term of office which each has yet to fill; (*b*) The vacancies created in the board during the year, if any, giving the reasons therefor and method thereof, with an account of the elections held to fill such vacancies, and the results thereof; (*c*) The engagements entered into during the year by the board, as well as an account of those entailed upon them by their predecessors; (*d*) The amount of assessable property in the district according to the last finally revised assessment roll; (*e*) The appeals against assessment made to the district court, and the results of such appeals; (*f*) The times of holding regular meetings of the board of trustees during the year, and the resolutions adopted at such meetings, with such particulars of the minutes as may be demanded by any ratepayer present; (*g*) Particulars of the real and personal property held by the district.

(3.) By the treasurer of the district, and signed by himself: (*a*) The amount of money received by the district from all sources during the year, with particulars; (*b*) The amount of money due the district from all sources, with particulars; (*c*) The amount of money paid out by the district during the year, with the particulars of payment; (*d*) The amount, if any, due by the district, to whom due, and the terms and time of payment.

155. By the board of trustees, and signed by the chairman, such statement in regard to the past, present and future of the district as they may deem sufficient,

156. The board of trustees, or the members thereof, shall answer any questions that may be asked by any ratepayer present, which questions and answers shall be recorded by the secretary in the minutes of the meeting if required to do so by any ratepayer.

157. A majority of the ratepayers present at the meeting shall elect a competent person to audit the accounts of the district and the reports submitted by the board of trustees.

158. The secretary of the meeting shall, before its close, read the minutes aloud for approval or otherwise, and such minutes shall form part of the yearly report and be placed at once in the hands of the auditor with the reports submitted by the board of trustees.

159. The auditor elected as hereinbefore provided shall have access to all the records of the school district in whose hands soever they may be, and he shall compare them with the reports submitted by the board of trustees to the school meeting, and with the minutes of the school meeting taken by the secretary thereof, and if he shall find from such comparison that the reports submitted are correct, and the statements recorded in the minutes are not belied by the records, he shall proceed before a justice of the peace with the reports before mentioned and shall make affidavit as follows, before such justice, which affidavit shall be attached to the reports:—

I, A. B., make oath and say, that I was duly appointed auditor of the reports and accounts of school district no. ..... for the year 18..... at the regular annual

school meeting of the said district, and have examined the reports made to the said meeting and carefully compared them with the records of the school district.

I find that the reports are correct throughout, and correspond with the records of the district.

Sworn before me } ....
C. D. } *Auditor.*

One of Her Majesty's Justices of the Peace in and for the N.W.T.

160. If the auditor shall find that the reports are incorrect in any particular, he shall proceed as before except that the latter paragraph of the affidavit made by him shall read: I find that the reports are incorrect in the following particulars (then specify particulars).

161. When the auditor shall have made affidavit as to the reports, he shall cause them to be posted to the lieutenant governor without delay.

162. If the report is certified to as correct, the lieutenant governor shall cause a copy thereof throughout, excepting the minutes of the school meeting which may be omitted at will, for the purpose of being kept on record and shall transmit the original to the board of trustees of the district which made the report.

163. If the report is certified to as incorrect, the lieutenant governor in council shall take such action as may be deemed advisable in the matter.

PENALTIES.

164. Any trustee who shall: (1) Knowingly falsify or cause or allow to be falsified assessment rolls, voters' lists, school returns, minutes of meetings or any of the records of the district, or who shall fail to deliver up such records when called upon by the chairman or duly appointed auditor; (2) Misappropriate or cause to be misappropriated any of the funds or real or personal property of the district; (3) Enter into or have any interest in any contract with the district for which money is to be paid or work done; shall thereby be disqualified from fulfilling the term of office for which he was elected, and shall be liable to a fine not exceeding fifty dollars.

165. Any school trustee, officer or employee of a school district, who, after his ceasing to hold office, detains any book, paper or thing belonging to the school district, shall thereby incur a penalty of not less than five dollars nor more than one hundred dollars for each day during which he wrongfully retains possession of such books, paper or thing after having received notice in writing from the chairman of the board of trustees or from the lieutenant governor, requiring him to deposit the same in the hands of some person mentioned in such notice.

166. If a trustee or any other officer or employee of a school district knowingly sign any false school report, school register, assessment or collector's roll, notice of meetings or elections, or receipts for money on account of the school district, or certificate or other statement as provided in this ordinance, or shall knowingly falsify any of the above he shall for each offence forfeit a sum not exceeding one hundred dollars.

167. Any returning officer of any school district or proposed school district, acting under the provisions of this ordinance, who shall knowingly and wilfully prejudice the result of any voting by preventing votes from being taken or taking unlawful votes or altering the returns or books in any way or by any other means, shall be liable to a fine not exceeding one hundred dollars.

168. Should the trustees of any school district wilfully contract liabilities in the name of the district greater or other than as provided in this ordinance, or appropriate any of the moneys of the school district for purposes other than is provided in this ordinance, the school district, through its proper officers or the lieutenant governor on its behalf, may recover from such trustees, jointly or severally, the sum or sums for which the district has been rendered liable through the action of such trustees over and above the amount provided in this ordinance, in addition to the total amount of any moneys that have been misappropriated by such trustees.

169. All prosecutions under the preceding sections of this ordinance may be instituted by any ratepayer of the school district affected, or by the lieutenant governor, in any court having jurisdiction within the limits of such school district, and if the defendant does not appear or if the complaint be proven, the stipendiary magistrate or justices of the peace shall forthwith declare the election of such trustee or other officer void, with such fine, not exceeding one hundred dollars and costs of court, as he or they may deem sufficient, and shall notify the chairman of the board to that effect, who shall thereupon give notice of an election to fill the vacancy thus created.

170. Any school district which fails to: (1) Employ a duly qualified teacher at a salary of not less than $300 a year for at least three months in every full year after organization: (2) Elect and keep in office a duly qualified board of trustees; (3) Pay at the time and the manner agreed upon any debentures that may have been lawfully issued by such school district; shall upon complaint thereof being made and the fact established before a stipendiary magistrate and a certificate thereof having been received by the lieutenant governor, be proclaimed by the lieutenant governor to be disorganized.

171. Upon such proclamation being made the lieutenant governor in council shall thereupon become invested with all the powers of school trustees of such district to conduct the affairs thereof, and shall deal with, and, if necessary, wind up the affairs of such district as the lieutenant governor in council may deem just and expedient.

MISCELLANEOUS PROVISIONS.

172. The fiscal school year shall be held to commence on the first Tuesday of January in each year, and all accounts opened during the preceding fiscal year shall, if possible, be closed at that date.

173. All moneys accruing from fines under this ordinance shall belong to the general revenue fund of the North-west Territories.

174. The lieutenant governor shall cause to be kept a register book in which shall appear in regard to each school district: (1) The date at which it was erected; (2) The full name and number thereof; (3) The limits, area, situation and general description thereof, according to the plan or map of such district originally submitted to the lieutenant governor; (4) A certified copy of the original plan; (5) The alterations, if any, that have been made in its limits, with the date thereof; (6) Such alterations shown on the copy of the original plan; (7) The debenture indebtedness that may have been incurred from time to time, with the cancellation thereof when such has taken place; (8) In cases in which the affairs of the district have been dealt with directly by the lieutenant governor in council, the circumstances attendant thereon.

175. The lieutenant governor shall cause to be kept a book for the registration of debentures, in which shall appear: (1) The name and number of each school district issuing debentures; (2) The amount of debenture indebtedness incurred by such district from time to time; (3) The purposes for which the indebtedness was incurred, with particulars of the amount required for each specific purpose; (4) The date of the countersigning of each debenture by the lieutenant governor, with particulars as to amount, rate of interest, and manner, place and time of payment; (5) The date of redemption of each such debenture; (6) The date and manner of destruction of each such debenture by order of the lieutenant governor, with the name of a witness to such destruction.

176. The lieutenant governor shall cause to be printed or procured a sufficient number of blank forms, such as those requiring to be filled in case of applications for the erection of a school district, notices of elections of trustees, notices of public school meetings, notices of polling for the purpose of sanctioning the issue of debentures by a school district, or the division of a public school district into two or more school districts, quarterly registers for the use of schools, blank forms for the use of teachers and trustees sending in the reports provided for in this ordinance, assessment rolls, tax collector's rolls, assessment notices, tax notices, notices for holding

courts of revision, blank debentures, and all other forms provided to be used in this ordinance, and shall furnish such blanks to the trustees of school districts making application therefor at as nearly cost price as may be, and shall keep supplies of all these forms, except debentures, for sale to boards of school trustees in the hands of responsible parties in each of the principal settlements throughout the territories.

177. This ordinance may be cited as the "School Ordinance of 1884."

NO. 3 OF 1885.

AN ORDINANCE TO AMEND AND CONSOLIDATE AS AMENDED, THE SCHOOL ORDINANCE OF 1884.

Passed 18th December, 1885.

Be it enacted by the lieutenant governor of the North-west Territories, in council, as follows:—

BOARD OF EDUCATION.

1. The lieutenant governor in executive council may appoint and constitute a board of education for the North-west Territories, composed of five members, two of whom shall be Roman catholics, and two shall be protestants, and the lieutenant governor, who shall be chairman.

2. The members of the board shall be paid for their services, four dollars for each day of attendance at their meetings, and their actual travelling expenses.

3. A majority of the board of education shall be a quorum.

4. Any member of the board absenting himself from the meeting of the board, or from the meeting of this section, as hereinafter defined, for six months, shall be considered to have resigned his position, and the other member of the section to which he belongs shall notify the lieutenant governor of the vacancy so caused, and the lieutenant governor shall appoint his successor.

5. It shall be the duty of the board:—

(1) To meet twice a year at least, at Regina;

(2) To appoint inspectors, who shall hold office during the pleasure of the board, and to remunerate them for their services;

(3) To appoint a board or boards of examiners for the examination of teachers, whose qualifications shall from time to time be prescribed by the board of education;

(4) To provide for the expenses of the board of examiners;

(5) To arrange for the proper examination, grading and licensing of teachers, and the granting of certificates; such certificates to be of three classes, viz., a first, second and third class certificate and a provisional certificate;

(a) Every such certificate of qualification shall have the signature of a member of the board, but no certificate shall be given to any teacher who does not furnish satisfactory proof of good moral conduct;

(6) To appoint a secretary to the board, and to provide for his salary;

(7) To make from time to time such regulations as they may think fit, for the general organization of schools;

(8) To make regulations for the registering and reporting of daily attendance at all schools;

(9) To cause to be kept a proper record of the proceedings of the board;

(10) To determine all appeals from the decisions of inspectors of schools, and to make such orders thereon as may be required;

(11) To prescribe the form of school register for all schools;

(12) To make regulations for the calling of their meetings from time to time, and prescribe the notices thereof to be given to members.

6. The board of education shall resolve itself into two sections, the one consisting of the protestant, and the other of the Roman catholic members thereof, and it shall be the duty of each section:

(1) To have under its control and management the schools of its section, and to make from time to time such regulations as may be deemed fit for their general government and discipline, and the carrying out of the provisions of this ordinance;
(2) To cancel the certificate of a teacher upon sufficient cause;
(3) To select, adopt and prescribe a uniform series of text books, to be used in the schools of the section.

SCHOOL DISTRICTS.

7. The words "school district" shall mean any tract of land declared by the lieutenant governor, as hereinafter provided, to be such school district, and the inhabitants thereof shall be a body corporate and politic for the purposes and with the powers and liabilities hereinafter specified.

8. Every school district shall be known under the corporate name of the "School district of " (here insert the name chosen by the people of district, "protestant" (or "catholic") "public" (or "separate") "school district no. " (given by lieutenant governor or lieutenant governor in council) "of the North-west Territories."

9. A protestant or catholic, public or separate school district, shall, at its erection, comprise an area of not more than thirty-six square miles, its extreme limits being not more than nine miles apart, and shall contain not less than four resident heads of families with a population of children of school age, that is to say, between the ages of five and sixteen, of not less than ten.

10. "Elector" shall mean any man or unmarried woman of the full age of twenty-one years, not an alien or unenfranchised Indian, who has within the limits of any proposed or existing school district, possession, in his, or in right of his wife, or her own right, of any land of the value of one hundred dollars, or who is an occupant and cultivator of unpatented Dominion lands of the value of one hundred dollars, whether as a homesteader or otherwise, and any person who has as a joint tenant or tenant in common, an unexpired lease for the term of one year of any certain parcel of land, of which the yearly rental is at least twenty dollars.

FORMATION OF SCHOOL DISTRICTS.

11. Any three resident electors of any locality fulfilling the requirements of section 10 of this ordinance, may be formed, or may form themselves into a committee to procure its erection into a school district, and may petition the lieutenant governor for such erection.

12. The petition shall set forth:
(1.) The proposed name in full, limits, definite location and approximate area of the proposed district;
(2.) The approximate value of the taxable property within the proposed limits;
(3.) The distance from, and the location of, the nearest school district;
(4.) The name and address of a resident elector who shall act as returning officer;
(5.) Approximately the total population, the adult population and the population of children of school age as defined in section 9 of this ordinance resident within the proposed district;
(6.) By an accompanying sketch, plan or map of the proposed district, its boundaries, principal legal subdivisions, principal physical features and general location.
(7.) The date upon and place at which a meeting of the school electors of the proposed district will be held to decide whether the majority is in favour of the locality being erected into a school district or not and elect trustees.

13. The petition must be accompanied by an affidavit of the several members of the committee, made before a justice of the peace, or a notary public, resident within the limits of the proposed district or as near thereto as may be, that the members of the committee are *bona fide* resident electors of the proposed school district, and that the statements made in the petition are correct.

14. At least twenty-one days before the day mentioned in the petition to the lieutenant governor as the one upon which the before mentioned meeting is to be held, the committee shall cause to be posted up in at least five conspicuous and widely separated places within the district, copies of the following notice:—

NOTICE.

All parties are hereby notified that the undersigned committee have petitioned the lieutenant governor for the erection of (*give name in full*) school-district within the following limits, that is to say (*define limits*) and hereby call a meeting of the school electors within these limits, to decide whether such petition shall be granted or not, to be held on the day of at from 12 o'clock noon till 4 p.m , and to elect three school trustees. The qualification of voters is expressed in the following oath which persons desiring to vote must take, if required:—"You do solemnly swear that your name is (*mention name given by the proposed voter*); that you are the owner (tenant or occupant) of (*describe the land voted upon*); that it is of the value of one hundred dollars (or, if tenant, of the yearly value of twenty dollars); that it is situated within the limits of the proposed school district; that you are of the full age of twenty-one years; that you are not an alien or unenfranchised Indian; that you have not received any corrupt reward and have no hope or expectation of receiving any such reward for voting at this time and place."

(Name of member of committee who is to act as returning officer.)

....

Returning Officer.

(Name of second member of committee)..... .....

(Name of third member of committee).....

School Committee.

(1.) Such notice may be either printed or written.

15. The lieutenant governor shall acknowledge the receipt of the petition for the proposed school district, to the returning officer named in subsection 4 of section 12, and state whether he approves of the erection of the same, or not.

16. The returning officer shall preside over the proceedings of the meeting mentioned in subsection 7 of section 12, and the electors present at such meeting shall appoint a secretary who shall record the proceedings of the meeting and perform all other such duties as may be required of him by this ordinance.

17. The returning officer shall decide all questions of order, subject to an appeal to the meeting; and in case of an equality of votes, he shall give the casting vote, but he shall have no vote except as chairman.

18. The chairman of the meeting shall take the votes in the manner desired by a majority of the electors present; but he shall, at the request of any two electors, grant a poll for recording by the secretary the names of the voters present; such poll shall close at 4 o'clock p.m.

19. If required by any person present, or of his own accord, if deemed advisable the chairman of the meeting shall administer the oath prescribed in section 14 of this ordinance.

20. If it is desired in the case of any person voting under this ordinance to appeal against the decision of the returning officer or chairman of such school district meeting, such appeal must be notified to the chairman of the meeting within three days of the meeting and must be made under oath within three days before a justice of the peace, and the appellant shall forward it to the stipendiary magistrate of the judicial district within which the school district affected is situated together with the sum of twenty-five dollars, and the stipendiary magistrate shall thereupon investigate such appeal and shall confirm the election or vote, or set it aside with costs or otherwise and appoint the time and place of holding a new meeting if necessary.

21. If the majority of votes taken at this meeting is against the erection of a school district, the chairman shall notify the lieutenant governor.

FIRST ELECTION OF TRUSTEES.

22. So soon as the majority of the electors at this first school meeting have decided in favour of the erection of the school district the electors present shall, by a majority of votes, elect from the resident electors in the school district, three trustees.

23. The qualification of persons who may be elected as trustees shall be the same as required in the case of voters, with the addition that the candidate must be possessed of real or personal property to the amount of five hundred dollars, and in case other than the first election, has no contract either direct or indirect, with the school district.

24. Every elector shall be entitled to cast as many votes as there are trustees to be elected, but in no case shall any one elector cast more than one vote for any one candidate at the same election.

25. Within seven but not before the expiration of three days after the date of their elections, the chairman of the meeting and the trustees elect shall appear before a justice of the peace and the chairman shall make an affidavit before such justice that the trustees elect were elected by a majority of the electors at the school district meeting mentioned in section 22.

(1.) Each trustee elect shall take the following oath of office before a justice of the peace:

I, A.B., do solemnly swear that I will to the best of my ability, honestly and faithfully discharge the duties devolving upon me as trustee of (name of school district in full) school district no. during the term for which I have been elected, in accordance with the ordinance of the North-west Territories. So help me God.

(2.) The justice of the peace shall grant to each trustee, after he has taken the foregoing oath, a certificate of election in the following form:

I, A.B., one of her majesty's justices of the peace in and for the North-west Territories, hereby declare that (give name, residence and occupation of person mentioned) elected school trustee for (give name of school district) to hold office until the thirty-first day of October, 18 , has this day taken before me the oath of office prescribed in subsection one of section 25 of the ordinance respecting schools of the North-west Territories.

Dated

A. B., *Justice of the Peace.*

(3.) If through any unavoidable cause, a trustee elect does not take his oath of office, as herein provided, the chairman of the meeting shall appoint another day, notifying him of the same, for taking such oath, and shall report the circumstance to the board of education.

26. A copy of each certificate so granted shall be forwarded by the returning officer to the board of education.

27. The trustees elected at a first school district meeting shall continue in office until the thirty-first day of October next ensuing the one following their election.

PROCLAMATION.

28. On receiving the report of a first school meeting, the lieutenant governor shall, if the majority of the votes at the school district meeting has been in favour of the erection of the school district, forthwith proclaim the district a school district in accordance with the terms of the petition addressed to him in that behalf with such number as he may see fit, and in manner as hereinafter provided.

29. The proclamation of the lieutenant governor erecting any district into a school district shall set forth: (1) The name in full, number, situation and limits thereof; (2) The date and place at which the meeting of electors and the election of trustees was held; (3) The names of the elected trustees.

30. If two or more petitions for the erection of school districts, the proposed boundaries of which overlap, are received before any of the districts are erected by proclamation as hereinbefore provided, the lieutenant governor shall, on receiving

the returns of the voting in favour of their erection, before issuing the proclamation defining the boundaries, correspond with the inspector of schools for the district or districts and require him to report upon the matter. The lieutenant governor shall then alter the proposed boundary lines in such manner as shall appear to be an equal division of the territory in dispute between the said districts and shall so declare and fix the boundaries in his proclamation; provided always that, in case of such alteration of boundaries, if any district be reduced below the standard provided in section nine of this ordinance, then such district shall not be so erected into a school district on the petition sent in.

SEPARATE SCHOOLS.

31. In accordance with the provisions of "The North-west Territories Act, 1880," providing for the establishment of separate schools, it shall be lawful for any number of property holders resident within the limits of any public school district or within two or more adjoining public school districts or some of whom are within the limits of an organized school district and others on adjacent land, not included within such limits, to be erected into a separate school district by proclamation of the lieutenant governor with the same rights, powers, privileges, liabilities and method of government throughout as hereinbefore provided, in the case of public school districts.

32. Such separate school district shall be erected on petition of all those desiring to have their land set aside as a separate school district.

33. The petition for the erection of a separate school district shall state in addition to the particulars mentioned in subsections one and six of section twelve of this ordinance: (1) The description of the land held by each petitioner, its area, assessed value or probable assessable value, if outside the limits of a municipality, its situation in regard to present organized school districts as well as Dominion lands surveys and natural boundaries; (2) The number of children of school age, resident within and adjacent to the proposed district, of the religious faith of the petitioners, who would probably attend such school.

34. Each such petition shall be accompanied by an affidavit of some person competent to verify the signatures and facts therein set forth.

35. Upon the receipt of such petition, the lieutenant governor shall if there be no impediment requiring the consideration of the lieutenant governor in council issue a proclamation erecting such separate school district and order the first election of trustees, fixing the date thereof, and appoint a returning officer who shall conduct the election as is provided in sections 16, 17, 18, 19, 20, 22, 23, 24, 25 and 26, and the trustees elected shall proceed as provided in section 25.

36. The lieutenant governor shall at the same time notify, in writing, the board of trustees of any public school district that may include the whole or any part of such separate school district within its limits, of the fact of the erection of such separate school district and of the lands of such separate school district having been withdrawn from such public school district.

37. Any land and personal property therein set apart as a separate school district, shall be assessable by the public school district, within whose organized limits it is situated, for the purpose of paying off any debenture indebtedness that may have been incurred, during the time that such land was included as a part of such public school district in the same manner and time and at the same rates as the remaining portion of such public school district may be assessed to pay off such indebtedness, but for no other purpose whatever.

DIVISIONS AND ADDITIONS TO SCHOOL DISTRICTS.

38. Any public school district may be divided into two or more parts by proclamation of the lieutenant governor, on recommendation of the board of trustees of the district, after he shall have been satisfied that a vote has been taken on the question in the manner provided in the case of a school district, authorizing the issuing of debentures, and that the majority of duly qualified votes cast have been in favour of such division being made.

39. Any two or more public or separate school districts may be united in one public or separate school district by proclamation of the lieutenant governor in the same manner as that provided for the division of public school districts, and all the real and personal property held by all the districts shall thereby become the property of the united district.

40. The owner of any land situated outside the limits of any school district or included in any school district, may have it included in an adjoining or adjacent school district, whether public or separate (but of the faith, either protestant or Roman catholic, to which the petitioner belongs) on petitioning the trustees of such district to that effect; and such petition shall be accompanied by the affidavit of the petitioner that he is the owner of such land.

41. The trustees, on receiving a petition to the effect and in the form and substance mentioned in the next preceding section of this ordinance, may annex the land of the petitioner to the district of which they are trustees, and shall notify the lieutenant governor that such land has been annexed to their school district, and shall announce the additions or changes that have been made, stating in particular the ownership and assessed value of the property affected, by notice published in five public and widely separated places in the school district or districts affected, and they shall also notify in writing the petitioner and the board or boards of trustees of the district or districts that have been affected by the changes that have been made.

42. Parties petitioning for the organization of separate school districts or for any addition or change in the area or limits of any school district or districts, as hereinbefore provided, shall accompany such petition with such sum of money as may be deemed sufficient by the lieutenant governor to pay the necessary expenses connected with the changes petitioned for before they can require their petition to be considered.

ANNUAL ELECTION OF TRUSTEES.

43. A meeting of the ratepayers of the school district shall be called by the secretary of the school district by notices posted in five conspicuous and widely separated places on the second Monday of October, unless the same be a statutory holiday, and then on the ensuing day, for the purpose of nominating the trustees to serve as such for the year commencing the first day of November following.

44. A majority of the ratepayers present shall elect a chairman, and the proceedings shall be carried on as provided in sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, except as to the election of a secretary; the secretary of the school district shall act as the secretary of this meeting. The newly elected trustees shall proceed as is provided in section 25.

45. The first meeting of the newly elected trustees shall be held on the third Monday in November in each year, unless the same be a statutory holiday, when it shall be held on the day next ensuing, and the trustees of the previous year shall be deemed to hold office up to the first meeting of the new trustees, notwithstanding that the school year shall expire on the 31st of October in each year.

46. A correct copy of the proceedings of the first, and of every annual and of every special school district meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the district inspector of schools, who shall report upon the same to the president of the board of education.

47. At the annual meeting for the election of school trustees, the ratepayers then present shall elect an auditor who shall audit the accounts of the district and report the result thereof to the annual meeting of ratepayers.

BOARD OF SCHOOL TRUSTEES.

48. The ratepayers of every school district that may be established under this ordinance, and their successors, shall be a body corporate and politic under the name and number mentioned in the proclamation of its erection. It shall be represented by a board of three trustees elected as herein provided, and bearing the names of

the trustees of the (protestant or catholic) public or separate school district of (here insert the name and number). Such trustees on behalf of the corporation, shall have power to:

(1.) Acquire real or personal property by purchase, donation, devise, or otherwise, and hold and enjoy, or alienate the same, for school purposes;

(2.) Enter into contracts, transact business, bind and oblige themselves and others within the limit of their functions;

(3.) Sue and be sued in any cause, or before any court of justice;

(4.) Levy such taxation on the real and personal property within the district, in the manner hereinafter provided, as may be necessary for the discharge of the obligations entered into by the corporation of said school district for school purposes.

49. It shall be the duty of the new trustees at their first meeting to proceed to the election of a chairman, which shall be done by those present; the secretary of such school district shall preside at such meeting until a chairman is elected.

50. The elected chairman shall appoint one of the remaining trustees to act at any time when the chairman fails to attend to his duties as such.

51. In case the acting chairman fails to act, then the remaining trustee shall be acting chairman until the acting chairman resumes his duties.

52. A majority of the board of trustees shall constitute a quorum at all meetings; provided that in case the number of trustees is reduced to one, that one shall be held to be a quorum until the other members are elected.

53. The chairman shall:

(1.) Call all meetings of the board and public school meetings and preside at such meetings;

(2.) Have general supervision of the affairs of the district;

(3.) Certify all accounts against the district before such accounts be paid by the treasurer;

(4.) Act as returning officer, or appoint some other person to act as such, at all elections that may be held, or votes that may be taken during the period of his chairmanship.

54. The board of trustees at its first meeting in each year shall appoint a secretary, whose duty it shall be to:

(1.) Keep a minute of all the meetings of the board;

(2.) Answer all communications on school matters in such manner as he may be directed by the board;

(3.) Examine the records and registers of the school kept by the teacher, and see that they are correct;

(4.) Forward to the lieutenant governor, from time to time, the reports provided for in this ordinance, and give such other information in regard to the school district as may be desired from time to time by the lieutenant governor, the board of trustees, or school inspector;

(5.) Have charge of and keep on record all the books, papers, accounts, assessment rolls and other matters, committed to his charge by the board of trustees during his term of office, and deliver the same to the chairman of the board on ceasing to hold office.

55. Should the secretary at any time be unable to attend to his duties the chairman shall appoint some member of the board to act as secretary until the secretary resumes his duties, or until the board sees fit to appoint another secretary.

56. By motion of the board one of the members thereof may, with his consent, be appointed treasurer of the district for the whole or any part of the term for which he was elected to serve, but such treasurer shall receive no remuneration for his services, and the members of the board shall individually and collectively be held responsible, by virtue of their office, for the safe keeping of all sums of money placed in such treasurer's hands.

57. Should it be found inexpedient to appoint a member of the board as treasurer, then the board shall appoint a responsible resident of the district to be treasurer or secretary-treasurer, during the pleasure of the board, at such rate of

remuneration as may be agreed upon. Every treasurer shall, before entering upon his duties as such, give security to the school trustees by a bond signed and acknowledged before a magistrate, and such security shall be given by at least two solvent suerties jointly and severally to the satisfaction of the board of trustees and to the amount of any moneys for which the treasurer may at times be responsible, whether arising from the school fund or from any particular contribution or donation paid into his hands for the support or benefit of the school, and such security shall be renewed at the beginning of each year, or renewed at other times, or changed whenever renewal or change is required by the board of trustees.

58. It shall be the duty of the treasurer to collect, receive and account for all school moneys, whether derived from the government or otherwise, for the purpose of education within the district of which he is treasurer, and to distribute such moneys in the manner directed by the board of trustees, and he shall give and take receipts for all moneys so received and paid out by him, which he shall, when called upon, produce before the board of school trustees, as also all moneys or accounts in his charge, and shall hand over the same to the board of trustees on his ceasing to hold office.

59. Should the treasurer be at any time unable to attend to his duties, the secretary, if the treasurer be a member of the board, shall attend to such duties in his place, but if the treasurer should not be a member of the board, then the board shall appoint some person to attend to his duties under the necessary bonds, and in the meantime the board of trustees shall be held to be the treasurer of the district.

60. The secretary of every board of trustees shall forward to the lieutenant governor on the 30th day of May in each year a report showing the certificate of the teachers employed, the number of teachers employed and the total number of children attending the school, and stating whether the school is opened for one or both of the school terms.

61. It shall be of the duties and within the powers of any board of trustees of any school district to:

(1.) Engage a qualified school teacher or teachers on such terms as the board may deem expedient;

(2.) Procure a suitable building or buildings by purchase, lease or otherwise, for use as a school room, in a central location, and of as satisfactory a character as possible with a play-ground attached;

(3.) Make such assessments on real and personal property of the district and levy such taxes as may be necessary to defray the expenses authorized to be incurred in the preceding subsections, and all necessary expenses incurred in the election of trustees, keeping the accounts or transacting the business of the district, and in furnishing the school-room with school material, furniture and firing;

(4.) Inspect the school, see that good order is kept and proper instruction is given and dismiss the teacher or any of the pupils for misconduct or immorality, or the teacher for incapacity;

(5.) See that true accounts both of the school and district are kept, and that the affairs of the district generally are conducted in the manner provided in this ordinance and with a due regard to efficiency and economy;

(6.) Select all the books, maps and globes to be used in the schools under their control from the list of those authorized by the board of education;

(7.) Provide, free of cost, out of the funds of the district, books and slates for the use of the children resident within the district and attending school, whose parents are unable, through poverty, to procure the necessary books and slates for them, the right to such books and slates to rest in the school district;

(8.) Provide, when deemed expedient, a suitable library for the school district, free of charge, making such regulations as to lending and the prevention of loss or damage to the books of such library, as they may think fit.

62. A trustee may resign at any time by notifying the chairman of the board, or if he be the only remaining member of the board, the lieutenant governor to that effect, in writing

63. Any trustee who shall:

(1.) Be absent from the district more than three months at a time;

(2.) Fail to attend three consecutive meetings of the board, the same having been duly called by written notice left at his house or place of business;

(3.) Have become insolvent or convicted of any felony, may be declared disqualified on motion of the board, and his seat as trustee declared vacant and an election to fill the vacancy shall be held as hereinbefore provided.

64. If the lieutenant governor shall at any time receive the resignation of the sole remaining member of a board of trustees of any school district, or a certificate of a justice of the peace or of the school inspector for the school district mentioned, that the board of trustees has ceased to exist, he shall order an election of trustees, fixing the date thereof and appointing a returning officer, who shall conduct the election as is provided in sections 16, 17, 18, 19, 20, 22, 23, 24, 25 and 26; and the trustees elected shall proceed as provided in section 25, or shall hold the matter over for the consideration of the board of education.

65. Elections shall be held to fill vacancies that may occur in the board of trustees from time to time, from death, resignation or disqualification, and such elections shall take place within one month from the time of the occurrence of such vacancy.

66. The person thereupon elected to fill the vacancy so created, shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled.

67. The new election shall be conducted in the same manner as is provided in sections 16, 17, 18, 19, 20, 22, 23, 24, 25 and 26.

SELECTING SCHOOL SITES.

68. No steps shall be taken by the trustees of any school district, for procuring a school site on which to erect a school-house without calling a special meeting of the resident electors or ratepayers, as the case may be, of that school district by notices published in five conspicuous and widely separated places within the district, at least ten days before the date of the meeting, to consider the matter, and no change in the site of a school-house shall be made without the consent of the majority of such special meeting.

TEACHER.

69. As soon as possible after the first election of trustees in any school district, and at such other times as may be expedient, the trustees shall engage a qualified person as school teacher for such term, not being more than one year, and at such salary as may be agreed upon.

70. It shall be the duty of the teachers to:

(1.) Preside over and maintain good order in the school;

(2.) Teach from such and only such books as may be ordered or permitted by the trustees, as provided in this ordinance;

(3.) Hold a public examination of the classes in the school at least once in each term;

(4.) Admit trustees, school inspectors, parents of children attending or ratepayers of the district to the school room at any time;

(5.) Report to the trustees, from time to time, on the necessities of the school and the behaviour of the children attending it;

(6.) Punish children for misbehaviour, inattendance or disobedience in such manner as the trustees may permit or direct;

(7.) Keep a true register of the school, according to the forms supplied by the board of education;

(8.) To keep the school registers with care and to call the roll and mark the attendance and absence of the pupils previously to beginning the regular school work each morning and afternoon;

(9.) To keep a time table showing the classification of the pupils, the subjects taught in each class, the hour of the day, and the day of the week, when

each subject is taught and the intervals allowed for recess during school hours;

(10.) To keep a "visitors' book" provided by the board of education and to enter therein the visits made to the school, and to allow any visitor who so chooses to make therein any remarks suggested by the visit;

(11.) To see that the school is kept clean and well ventilated and to observe that the closets belonging to the premises are kept in a cleanly condition;

(12.) To report to the secretary of the school district any needful repairs to the school building or furniture;

(13.) To keep an inventory of the school materials and furniture and to report any deficiency in the stock from time to time;

(14.) To observe that there is no scarcity of fuel for school purposes during the winter months, and to exercise due economy in the use of the same;

(15.) To render assistance to the secretary of the school district in making the required reports and returns to the lieutenant-governor or the board of education or the inspector of schools;

(16.) To have the custody of the school premises and to deliver up the key when required to do so by the school trustees;

(17.) To report to the secretary of the school district immediately it comes to his knowledge the presence of any infectious or contagious disease amongst the pupils and to faithfully carry out the wishes of the trustees in respect to it.

71. If a teacher be engaged for a less term than three months, or if the provisions of this ordinance are not complied with by any school district, then the district employing such teacher, or otherwise not complying with the terms of this ordinance, may be deprived of their right to receive aid as provided in this ordinance.

CONDUCT OF SCHOOL.

72. School shall be held between nine o'clock and twelve o'clock in the forenoon and half-past one o'clock and four o'clock in the afternoon of every day, not including Saturdays, Sundays and statutory holidays, but the school trustees may shorten the school hours in the winter time.

73. The school year shall be divided into two terms, a winter term and a summer term; (1.) The winter term shall begin on the first day of November and end on the thirty-first day of March in each year. (2.) The summer term shall begin on the first day of April and end on the thirty-first day of October in each year.

74. A recess of fifteen minutes in the forenoon and in the afternoon may be allowed the children attending school at the pleasure of the board of trustees.

75. There shall be two weeks' holidays, during the summer term, in either the month of August or the month of September, at the discretion of the trustees.

76. There shall be two weeks' holidays during the winter term, viz., the two weeks following the twenty-third day of December in each year.

77. It shall be at the discretion of the trustees to permit any other holidays.

78. No religious instruction, such as bible reading or reciting, or reading or reciting prayers, or asking questions or giving answers from any catechism, shall be permitted in any public school in the North-west Territories from the opening of such school at nine o'clock in the forenoon until the hour of three o'clock in the afternoon, after which time any such instruction, permitted or desired by the trustees of the district, may be given.

79. Any child attending any school whose parent or parents, or guardian, is or are of the religious faith different from that expressed in the name of such school district, shall have the privilege of leaving the school-room at the hour of three o'clock in the afternoon, or of remaining without taking part in any religious instruction that may be given, if the parents or guardians so desire.

80. It shall be unlawful for any teacher or school trustee to in any way attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school, and such action on the part of any school trustee, inspector

or teacher shall be held to be a disqualification for and voidance of the office held by him or her.

81. No fee shall be charged by any school district on account of the attendance of any children, whose parents or guardians are ratepayers of such district, at the school thereof; but a rate not exceeding five cents per day, payable in advance, may be charged for any children resident outside the limits of such district, whose parents or guardians are not ratepayers of such district.

INSPECTOR OF SCHOOLS.

82. It shall be the duty of the inspector to:

(1.) Visit at least once a year the schools under his charge and examine the pupils in the different classes as to proficiency in their studies;

(2.) At the desire of the trustees of any district, examine a teacher possessing no certificate and employed, or proposed to be employed, by such trustee as to his proficiency in the subjects he is expected to teach and as to his methods of teaching;

(3.) Report from time to time to the board of education as to the efficiency, methods and usefulness of the schools under his charge, and also when deemed advisable to the trustees of the different districts;

(4.) To inspect another school district at the pleasure of the board of education;

(5.) To observe that no books are used in any school but those selected from the list of books recommended by the board of education;

(6.) To assist at the examination of teachers if requested by the board of education;

(7.) To make a full report of his inspection of every school to the board of education not later than the month of September in each year, and to particularize in each report name of school, name of teacher, his certificate, the grant he is entitled to, number of school children on the register, number present on day of inspection, remarks on proficiency of pupils, special remarks, if any, state of school buildings and premises, state of school apparatus, general tone of school;

(8.) Keep a diary of his inspection tour and expenses;

(9.) Inspect and endorse, if practicable, all reports which are sent through him to the board of education;

(10.) Grant provisional certificates to competent applicants recommended by trustees of school districts and require such applications to be in the teacher's own handwriting;

(11.) Upon a visit to a school to inspect the school register and to write his name and the date of his visit upon the line immediately under the last name on the roll;

(12.) To observe if the school register is systematically kept;

(13.) To inspect the school buildings and premises and to suggest to the trustees any alterations he may deem necessary for the comfort, accommodation and health of the scholars;

(14.) To inspect the school time-table and to endorse his approval upon it, if satisfactory;

(15.) To make the time table the basis of his examination of the classes;

(16.) To inspect the visitors' book and to write therein a general report of the condition in which he found the school and its teacher;

(17.) If the teacher holds a provisional certificate, to endorse it in his favour or otherwise.

83. The secretary of every school district shall within one month of the date of the opening of such school, notify the inspector of such district of the opening of such school, and the qualification of the teacher employed; enclosing the teacher's certificate or a certified copy of the same in a registered letter addressed to the inspector of schools for such district.

84. On receipt of such notification the inspector of schools shall, if he deem the report satisfactory, endorse the same and forward it to the board of education.

AID TO SCHOOLS.

85. Every school district organized under this ordinance shall receive aid from the school fund, as follows:—

(1.) Grants on account of teachers' certificates:

(a) An annual grant of $250 to every school employing a teacher, male or female, holding a provisional certificate from the inspector of schools for that district or a third class certificate from a normal school or the board of education;

(b) An annual grant of $300 to every school district employing a teacher, male or female, holding a second class certificate from a normal school or from the board of education;

(c) An annual grant of $350 to every school district employing a teacher, male or female, holding a first class certificate from a normal school or from the board of education.

(2) Grants on account of attendance:

(a) An annual grant of $2 per child, per annum, to every school whose average attendance is at least eight, for every child who has attended school one hundred school days, where the school is only open during one term;

(b) An annual grant of $2.50 per child, per annum, to every school whose average attendance is at least eight, for every child who has attended school one hundred and sixty school days, where the school is open during both the winter and summer terms;

(3.) Grant on account of inspector's report of school:

(a) An annual grant of an amount not exceeding the total amount of the capitation grant for the attendance of children to every school district of whose school the inspector of schools shall report favourably.

(4.) Grants on account of additional teachers:

(a) To every school district where the average daily attendance exceeds forty, a sum of one hundred and fifty dollars for an assistant teacher;

(b) To every school district where more than one assistant teacher is employed, a grant of one hundred dollars for every assistant teacher employed after the first, where the average daily attendance shall be at least twenty for each teacher, the principal teacher included.

(5.) Grants to advanced classes:

(a) To every school district employing a teacher holding a first class certificate, a grant will be given to one group of pupils examined in the same subjects, not being more than two subjects, at the rate of $1 per child, per subject. The examination to be in writing and conducted in the inspector's presence; the examination papers to be provided by the board of education.

86. The lieutenant governor shall pay the grant on account of teacher's certificate to the treasurer of the district, quarterly, immediately after the 31st March, thirtieth June, thirtieth September and thirty-first December in each year; and the grants on account of attendance and inspectors' reports shall be paid to the treasurer of the school district, annually, as soon as practicable after the thirty-first of October in each year.

87. When the school is only open for one term, the school district is entitled to a proportion of the grant for the teachers' certificates, calculated according to the months during which the school was open.

ASSESSMENT.

88. Where a school district is situated within a municipality, the trustees shall, as soon as may be after the final revision of the assessment roll of the municipality, make a demand on the council of such municipality for the sum required for school purposes for the then current year; but such sum shall not exceed an amount equal to ten mills on the dollar, according to the last revised assessment roll, on the pro-

perty liable to assessment in such school district for ordinary school purposes, with such additional amount as may be necessary to meet any debenture indebtedness that may have been incurred and becoming due.

89. When property owned by a protestant is occupied by a Roman catholic and *vice versa*, the tenant in such cases shall only be assessed for the amount of property he owns, whether real or personal, but the school taxes on such rental or leased property shall in all cases, whether or not the same has been or is stipulated in any deed, contract or lease whatever, be paid to the trustees of the district of the religious faith to which belongs the owner of the property so leased or rented and to no other.

90. Whatever property is held jointly, as tenants, or tenants in common, by two or more persons, the holders of such property being protestants and Roman catholics, they shall be deemed and held accountable to the board or boards of trustees for an amount of taxes in proportion to their interest in the premises, tenancy or partnership, respectively, and such taxes shall be paid to the school of the denomination to which they respectively belong.

91. If a school district be situated partly within two or more municipal corporations, then the board of trustees shall make a demand upon each of such corporations, for that proportion of the amount of money required by such school district, which may justly be demanded by such school district, according to the amount of property included within the limits of the district and situated within the limits of such municipality.

(1.) In case there is a difficulty in arriving at a proper assessment of the different portions of the school district, the trustees may levy an assessment as provided in the subsequent sections of this ordinance.

92. If a school district, or any portion thereof, be not situated within the limits of any municipal corporation, then the trustees of such district shall themselves or by means of an assessor, make an assessment of the real and personal property within the district or within the portions of such districts and inscribe the same upon an assessment roll in the form as hereinafter provided.

93. The trustees of any school district, or an assessor whom they shall appoint, as soon as may be in each year, shall prepare an assessment roll for the district, in which shall be set down, according to the best information to be had, a list of all the taxable property in the district, with the names of the occupants and owners, if such can be procured, and such list shall contain in one line, but in different columns, the following information:—

(1.) Name of occupant or person in possession (*if there be no occupant, a statement to that effect*); (*a*) religion of occupant; (*b*) sex; (*c*) age; (*d*) occupation; (*e*) place of residence.

(2.) Name of owner, if it can be ascertained (*if owner's name be unknown, such particulars concerning ownership of property as may be known*); (*a*) religion of owner; (*b*) sex; (*c*) age; (*d*) occupation; (*e*) place of residence.

(3.) Description of real property in occupation of each person; (*a*) part and number of section, township, range and meridian, or number and description of lot in special survey or number of lot, house or other particulars of each parcel; (*b*) Improvements in cultivated land (giving area), and buildings (giving size), on each parcel; (*c*) Area in acres or feet of each parcel; (*d*) Value of each parcel; (*e*) Total value of real property;

(4.) Description of taxable personal property: (*a*) Taxable personal property, other than income, with particulars; (*b*) Value of such personal property; (*c*) Taxable income; (*d*) Total value of personal property, including taxable income;

(5.) Total value of taxable real and personal property.

94. "Land," "real property" and "real estate" respectively shall include all buildings or other things erected upon or affixed to the land and all machinery or other things so fixed to any building as to form, in law, part of the realty, and all trees or underwood growing upon the land, and all mines, minerals, quarries, fossils, in and under the same, except mines belonging to her majesty.

(2.) "Personal estate" and "personal property" shall include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock, money, notes, accounts and debts, at their actual value, income and all other property, except land ~~and real~~ estate and real property, as above defined, and except property herein expressly exempted;

(3.) "Property" shall include both real and personal property, as above defined;

(4.) "Ranche" shall mean land held under a grazing lease from the Dominion government.

95. All real and personal property situated within the limits of any school district, or income derived by any person resident within the limits of such district, in the North-west Territories, and wherever any portion of a ranche and the head-quarters of such ranche are within the limits of any school district, the whole of the personal property belonging to the lessee of such ranche, on the same, shall be liable to taxation, subject to the following exemptions:—

(1.) All property held by her majesty or specially exempted by the parliament of Canada or for the public use of the government of the Territories;

(2.) All property held by or in trust for the use of any tribe of Indians or the property of the Indian department;

(3.) Where any property mentioned in the preceding clauses is occupied by any person otherwise than in an official capacity the occupant shall be assessed in respect thereof, but the property itself shall not be liable;

(4.) The grounds and buildings of all public schools, universities, collegiate institutes or incorporated seminaries, being public property, so long as such property is actually used or held for educational purposes;

(5.) All property belonging to the municipality when held and occupied or in the use of the corporation and the personal property belonging to the same;

(6.) Jails and court houses and the necessary land attached thereto;

(7.) Churches and the land on which they stand, not exceeding one-half acre, in towns and cities, together with the buildings thereon used for the purposes of the said church or occupied by the incumbent or priest, and, in rural municipalities one hundred and sixty acres of land in addition to the above, if the same is actually used for the support and maintenance of any church or mission, orphanages, poor-houses, houses of industry, asylums, being public institutions, and the real and personal property connected with the same;

(8.) The property of every public library;

(9.) The income of a farmer derived from his farm and the income of merchants, mechanics and other persons derived from capital liable to taxation;

(10.) So much of the personal property of any person as is invested in the debentures or bonds of any municipality within the Territories;

(11.) Personal property to the extent of three hundred dollars;

(12.) Grain *in transitu*, household effects of every kind, books and wearing apparel;

(13.) The increase in the value of the land by reason of the cultivation thereof together with the growing crops.

96. A person occupying property or deriving income not liable to taxation, may compel the assessor, on written demand, to assess him for such property or income in order that he may thereby be qualified for voting or holding office.

97. Land and personal property shall be assessed against the person in occupation or possession thereof, unless when in the case of a non-resident owner, such owner shall in writing require the assessor to assess him alone for such property. But the person assessed shall in all cases, unless there is a stated agreement to the contrary, have summary recourse against such owner for the amount of taxes paid:

(1.) Provided always that, if the occupants be of the religious faith different from that expressed in the name of the school district, being either protestant or Roman catholic, he, upon giving the assessor notice in writing to the effect that he desires to pay his school taxes to any certain district of the faith, either protestant or catholic, to which he claims to belong,

and by truly informing the assessor as to who is the owner, and where he may be found, he shall only be assessed for that part of the property, either real or personal, of which he is owner.

98. No ratepayer shall be entered for assessment more than once on the assessment roll, and the taxes may be recovered either from the owner or occupant.

99. Where more persons than one are joint tenants or tenants in common, or holders of any property, they, or any number of them, shall be assessed for the whole of such property, subject always to the provisions of section 90 of this ordinance, and such assessment may be levied upon any one or more of them, saving always the recourse of such persons against the remaining holders, tenants or owners.

100. Real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor.

101. Land held in actual use and not for purposes of sale, shall be appraised at the value which it is reasonably worth for the purposes for which it is in use.

102. In assessing vacant ground or ground used as a farm-garden or nursery and not in immediate demand for building purposes in cities or towns, the value of such vacant ground shall be that at which sales of it can be freely made, and where no sales of it can be reasonably expected during the current year, the assessor shall value it as if held for farming or gardening purposes, with such percentage added as the situation of the land may reasonably call for, and such vacant land, whether surveyed into lots or not, if unsold as such, may be entered on the assessment roll as so much of the original lots or sections as the case may be, and where ground is not held for purposes of sale, but *bona fide*, inclosed and used in connection with a residence or building, as a paddock, garden, park or lawn, it shall be assessed at a valuation which at six per centum would yield a sum equal to the annual rental which in the judgment of the assessor it is reasonably worth, reference being always had to its position and local advantages.

103. Any person may be required by the assessor to deliver to him a written statement of all property for which he is liable to be assessed, with such other information as to owner, occupant, location and value, or other necessary particulars as may be demanded, and if he fails to do so or knowingly makes any false statements, such person shall, upon complaint of the assessor and upon conviction before a justice of the peace having jurisdiction within the district, forfeit and pay a fine of twenty dollars, to be recovered in like manner as other penalties upon summary conviction before a justice of the peace.

104. The assessment roll shall be completed as soon after the first of February in each year as shall be deemed expedient by the trustees, and the assessor shall, before handing the roll over to the secretary of the board of trustees, make affidavit (which shall be inscribed upon the roll) before a justice of the peace, that the statements contained therein are correct to the best of his knowledge and belief, after making due enquiry in each case.

COURT OF REVISION.

105. On receipt of the assessment roll by the secretary of the board of trustees in form as hereinbefore provided, he shall file the same, and at all convenient office hours shall keep it open to the inspection of all persons resident, or owning, or in the possession of property, or in the receipt of incomes within the district, for at least the space of two weeks and until the sitting of the court of revision.

106. As soon as the assessment roll shall have been completed and filled as hereinbefore provided, the secretary of the board of trustees or the assessor shall notify in writing, by post or otherwise, every person whose name appears upon such roll and whose address is known as follows:—

SCHOOL DISTRICT of
day of 18

SIR (OR MADAM):—

You are hereby notified that your name appears on the assessment roll of this school district for the present year as the owner (or occupant) of the following property:—(Then give description of property and assessed value). The board of

trustees for the district will sit as a court of revision as follows:—(Mention day, hour and place at which court shall be held), and if you consider that you have been wrongfully assessed, as above stated, you will have an opportunity to make a statement of your case before the above court.

Take notice that if you do not appear before this court of revision you will not be entitled to appeal from its decision to the district court.

.....
Secretary Board of Trustees

or.....
Assessor.

To.....

107. The board of trustees shall cause to be posted up in at least five conspicuous places within the district, a notice that the assessment roll of the district for the current year has been made up, and where it may be examined, also the time and place at which the court of revision will be held, with a notice that such parties as do not appear before the court of revision will not be entitled to appeal from the decision of the court of revision to the district court.

108. The board of trustees of any school district shall sit as a court of revision not less than fifteen or more than thirty days from the posting of the last of the notices hereinbefore mentioned, and shall hear all complaints that may be entered up to the end of the day so appointed, and may adjourn from day to day until such complaints have been disposed of, but complaints entered after the day mentioned may or may not be recognized by such court of revision.

109. Such court of revision shall have power to take evidence under oath, if necessary, either on behalf of the appellant or the school district, and shall alter or amend the assessment roll as to them shall seem to be in accordance with what is just and right.

110. If a person be dissatisfied with the decision of the court of revision he may appeal therefrom by entering a notice to that effect with the clerk of the district court in which the school district is situated, and by depositing with the clerk of the court the costs of such appeal. Such notice of appeal must be entered within fourteen days after the close of the court of revision for the school district. The clerk shall forthwith issue an ordinary summons returnable at the then next sitting of such court, making the trustees defendants, and cause a copy with the notice of appeal attached to be served on the secretary of the school board.

111. The tenant, occupant or owner of any real or personal property situated within the limits of any organized school district, may elect to pay the amount of taxes for which he is assessed on any property that he may have, to another school district, provided such school district is of the religious faith, either protestant or catholic, different from the one in which the property of which he is the occupant or possessor, is situated, and of the religious faith to which such person claims to belong, at any time after the assessment is made and before the last sitting of the court of revision of the district; and he shall notify the assessor of the district in which he is assessed to that effect, and the assessor shall thereupon note in the assessment roll the fact of such notice having been received.

RATE OF ASSESSMENT.

112. The trustees of the school district shall make out an estimate of the probable expenditure of the district for the current year, and shall strike such rate of assessment on the assessed value of the taxable property within the district as shall be sufficient to meet such probable expenditure, making due allowance for all charges and probable loss in collection.

(1.) Such rate shall not exceed ten mills in each dollar of property liable to taxation for ordinary school purposes, with such additional rate per dollar as may be necessary to meet any debenture indebtedness that may have been incurred by such school district on the terms upon which it was incurred.

113. Such rate shall not be struck until after the sitting of the court of revision, but as soon thereafter as may be, and in case of any appeals having been made to the district court, the rate shall not be struck until after the sittings of the court to which such cases were appealed, provided that a sitting of the said court be held within sixty days after the close of the court of revision.

COLLECTION OF RATES.

114. The board of trustees shall cause to be made out a collector's roll for the school district, on which shall be set down the name of every person assessed, the assessed value of his real and personal property, and the amount with which such person is chargeable, according to the rate of taxation struck in respect of sums ordered to be levied by the board of trustees, with any other particulars that may be necessary, and such roll shall be placed in the hands of the treasurer for collection.

115. As soon as the treasurer shall have received the collector's roll he shall remit or cause to be remitted by mail or otherwise to each person whose name appears upon it as assessed for taxes a notice in the following form:—

School district of day of 188

SIR (OR MADAM),—You are hereby notified that you are assessed on the assessment roll of this district for the following properties: (here give description and assessed value) the taxes on which at the rate of on the dollar amounts to . If the above amount is not paid to the undersigned within thirty days from the date of this notice, action to recover, as provided by law, will be taken.

.....

Treasurer.

To.....

116. The treasurer shall give receipts on behalf of the school district for all taxes paid to him, and shall enter the fact of such payment, with the date, on the collector's roll.

117. As soon as judgment has been given in the case of an assessment appealed to the district court, the trustees shall alter, amend or erase from the assessment and collector's rolls in accordance with such decision.

118. The treasurer shall notify the board of trustees from time to time the names of persons who fail to pay the taxes assessed against them and the board of trustees shall take, or authorize to be taken, such action for the collection of such taxes as is hereinafter provided in this ordinance.

119. In case any person fails to pay the taxes assessed against him during the thirty days of notice provided in section 115 of this ordinance, the treasurer may, by himself or his agent, levy the same with costs, by distress of the goods and chattels of the person against whom the same is assessed, situated within the school district, or of any goods or chattels found upon the premises assessed, the property of or in the possession of any other occupant of the premises, and the costs chargeable shall be those payable to deputy sheriffs.

120. The treasurer shall by advertisement, posted up in at least three public places in the school district wherein the sale of goods and chattels distrained is to be made, give at least six days' public notice of the time and place of such sale and of the name of the person in payment of whose taxes the property is to be sold, and, at the time named in the notice, the treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes assessed, with all lawful costs up to the close of the sale.

121. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, it shall be returned to the person in whose possession the property was when the distress was made.

(1.) If any such claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant;

(2.) If the claim is contested, such surplus money shall be paid over by the treasurer of the district to the clerk of the district court within whose jurisdiction such school district is situated, who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

122. If the taxes payable by any person cannot be recovered in any special manner provided by this ordinance, they may be recovered, with interest and costs, as a debt due to the school district, in which case the production of the collector's roll or a copy of so much thereof as relates to the taxes payable by such person, certified as a true copy by the secretary of the school district, shall be *prima facie* evidence of the debt.

123. An abstract from the assessment and collector's rolls of the district to which such person as is mentioned in section 111 of this ordinance, has elected to pay his assessment, showing that he has been assessed in that district for the property, the assessment of which he desired to have made therein, and has paid the taxes assessed thereon, according to the rate levied by that district for the year, accompanied by the affidavit in the regular form of the assessor and collector of such district, that the before mentioned abstract is correct, shall be held to be evidence that he has paid his taxes to that district, and he shall then not be liable for taxes to the district within the limits of which the land or property of which he is the owner or occupant is situated, but if the before mentioned abstracts be not produced with the affidavits required within thirty days from the first demand made by the treasurer of the district within which the land occupied by him lies, he shall pay the taxes assessed against him on the assessment and collector's rolls of that district to the collector thereof, and on producing proof of such payment in the manner provided in the preceding portion of this section, he shall be relieved from paying the taxes assessed against him by the district to which he elected to pay his taxes in regard to the personal property hereinbefore mentioned, and such taxes shall on collection be paid over, less costs of collection, to the treasurer of the district to which such person desired to pay his taxes.

124. In no case shall a Roman catholic be compelled to pay taxes to a protestant school or a protestant to a Roman catholic school.

125. The treasurer shall on or before the first day of October in each year return the collector's roll to the secretary of the board of trustees, with an account of all moneys received by him, accompanied by an affidavit, made before a justice of the peace, that the collection and other proceedings have been taken in accordance with the terms of this ordinance and that all the returns contained therein are correct.

126. The treasurer shall at the same time make a return, certified by affidavit as provided in the next preceding section, of all property upon which the taxes, or any portion thereof, remain unpaid, and the reason of the failure of such payment.

(1.) A copy of such return shall be kept on file by the secretary of the school district and shall be open to inspection of all ratepayers of the district or their agents.

127. The taxes accrued on any land or property shall be a special lien on such land or property, having preference over any claim, lien, privilege or incumbrance of any party, except the crown, and shall not require registration to preserve it.

128. Such accrued taxes shall be entered upon the assessment roll of the district against such property from year to year and shall be held to be payable, if not otherwise collected, at the same time and in the same manner as the ordinary taxes of the year.

129. Whenever the treasurer is satisfied, or is notified by the board of trustees, that there is sufficient distress upon any real property within the district which is in arrears for taxes, he shall proceed to levy the amount due in the same manner and under the same provisions as are contained in section 119 of this ordinance.

130. Whenever a portion of the tax on any land has been due for and in the third year or for more than three years preceding the current year, the board of

trustees may prepare a list, which shall be in duplicate, of all the lands liable to be sold for arrears of taxes under this ordinance, with the amount of arrears against each lot, parcel or subdivision, and all other lawful charges standing against such land on account of such arrears of taxes, and the chairman shall certify to the correctness of such lists. One of the said lists shall be deposited with the clerk of the district court having jurisdiction within the school district, and the other placed in the hands of the treasurer, with a warrant thereto annexed, commanding him to levy at a certain date upon the land for the arrears due thereon, with the costs.

131. The proceedings for the sale of land for school taxes shall be the same, *mutatis mutandis*, as those provided in the municipal ordinance of 1885.

INCURRING DEBT.

132. Should it appear desirable to the board of trustees of any school district that a sum of money should be borrowed upon the security of the district for the erection, purchase or improvement of a school building or buildings for the district, or for the purchase or improvement of sites for such school building or buildings, or for the purchase of suitable play-grounds for the children attending the school or schools of the district, they shall, before proceeding to borrow such sum of money, receive the sanction of a majority of the ratepayers of the district, by taking a vote thereon as hereinafter provided.

133. The board of trustees shall give notice of the polling by notices displayed in at least ten conspicuous places throughout the district, at least twenty days before the polling, and by advertisement for the same length of time, once each week, in the newspaper published nearest the school district.

134. The notice shall set forth: 1. The sum of money which it is desired to borrow; 2. The term for which it is to be borrowed; 3. The rate of interest to be paid; 4. The purpose or purposes for which the money is to be expended, and the amount to be expended upon each; 5. The place, day and hours of voting, the hours in all cases being from ten o'clock a.m. until four o'clock p.m.; 6. The qualification of voters, which shall be the same as provided in subsection (5) of section 137 of this ordinance.

135. A certified copy of the notice of polling shall be furnished to the lieutenant governor by the chairman of the board.

136. The chairman of the board of trustees shall be returning officer, and shall act as hereinafter provided.

137. The returning officer shall:

(1.) Provide himself with a book suitably ruled and headed, for the purpose of recording the vote cast, in which shall appear, in separate columns, but in one line, the name and sex of each voter, the description of the property voted upon, remarks, whether voter sworn or refused to be sworn, and the vote cast, whether "yea" or "nay" to the purpose specified in the notice of voting;

(2.) Keep posted in a conspicuous place at the place of polling, a copy of the notice of voting;

(3.) Appear at the place on the day and at the hour mentioned in the notice of voting, and continue there during the hours mentioned in such notice;

(4.) Question, either personally or by an interpreter in the voter's own language, if necessary, every person presenting him or herself to vote, as to name and location, or description of property, and record the answers given, in the poll book;

(5.) If required by any person present or of his own accord, if deemed advisable, administer the following oath, which shall express the qualification of voters:

I do solemnly swear that I am a *bona fide* ratepayer of (give name of district in full) school district no ; that I have paid the school taxes assessed against me on the last revised assessment roll of the district (or of the municipality for the district); that I am of the full age of twenty-one years; that I am not an alien or unenfranchised Indian; that I have not voted before at this elec-

tion, and that I have not received any reward either directly or indirectly, nor have I any hope of receiving any reward for voting at this time and place. So help me God.

(6.) If the voter is not required to be sworn, or if he takes the oath when required, ask him in an audible voice in the language spoken by him (either personally or through an interpreter) whether he votes for or against the purpose expressed in the notices of voting, and record his answer in the columns headed "yea" or "nay" according to the expressed wish of such voter;

(7.) Admit any two persons who have respectively voted "yea" and "nay" into the polling place, to act as scrutineers, and on demand allow either or both of them to see any vote recorded in the book;

(8.) At the hour appointed in the notice of voting, sum up the votes cast and declare the result;

(9.) In the case of a tie after the final recount, give a casting vote;

(10.) Announce the day, being within seven days of the day of voting, when, and the place where, he will appear before two justices of the peace for a final recount of votes, and when all complaints against the conduct or result of the voting will be heard.

138. On appearing before the justices of the peace at the time and place appointed, the returning officer shall place in the hands of such justices the poll book used by him at the poll, and shall make an affidavit before the justices, which shall be inscribed upon such book, that the election has been conducted throughout in the manner provided by this ordinance (or with such exceptions as he shall mention) and that the returns contained therein are correct.

(1.) The justices shall then receive and record in writing any complaint that may be made under oath by any parties relative to the conduct of the voting, and shall examine into and decide such complaints by taking evidence under oath.

139. Before proceeding to the hearing of any complaint, the justices shall require the complainant to deposit with the clerk of the court such sum, not being less than twenty-five nor more than one hundred dollars, as may seem necessary to them to cover the costs of the hearing of the complaint, which costs shall be paid according to the decision of such justices.

140. The decisions of the justices shall be as follows:—

(1.) If it be found that the proceedings in taking the vote have been irregular in any essential particulars and that injustice has thereby been done, it shall be declared of no effect, and the justices shall forthwith forward to the lieutenant governor a full report to that effect;

(2.) If it be found that any vote has been cast by a person not duly qualified to vote, or on account of bribery or intimidation, it shall be struck off the poll book.

141. When all complaints have been heard and decided upon and the corresponding alterations duly made in the poll book, the justices shall finally sum up the votes cast and shall forward to the lieutenant governor a return showing the total number of votes taken, and the number remaining on each side after the recount.

142. If it is desired to appeal from the decision of the justices, such appeal must be made under oath within thirty days from the rendering of the decision of the justices as hereinbefore provided, before the stipendiary magistrate of the judicial district within which the school district affected is situated, and the stipendiary magistrate shall thereupon investigate such appeal and shall confirm the vote, or set it aside, with costs, and appoint the time and place of holding a new election.

143. The lieutenant governor shall, in writing, empower the board of trustees to borrow the sum or sums of money mentioned in the notice of polling, or notify the contrary to them, and shall publish the same in the *Official Gazette*.

144. All money borrowed under this ordinance shall be borrowed by debenture.

(1.) The total face value of the debentures issued shall not be for a greater sum than one-tenth of the total assessed value of the real and personal property

within the district, according to the last finally revised assessment roll of the district;

(2.) Debentures shall not run for a longer term than fifteen years if the school buildings be built of brick or stone, and shall not run for a longer term than ten years if the buildings be of frame or log;

(3.) Debentures shall be of the form following:—

School district of (give full corporate name). $ Debenture no.

The trustees of (give full corporate name) promise to pay the bearer, at the at the sum of dollars of lawful money of Canada, in equal annual instalments from the date hereof, with interest at the rate of eight per cent per annum, on the terms and in the amounts specified in the coupons attached hereto.

.....

Chairman (or Acting Chairman).

.....

Trustee.

Dated this day of 188

.....

(*Coupons.*)

Coupon no.

Debenture no.

The board of school trustees of school district no. will pay to bearer at the bank at on the day of 188 , the sum of dollars, being the payment with the total interest at the rate of eight per cent per annum, due on that day on school debenture no.

.....

Chairman (or Acting Chairman).

.....

Trustee school district no.

(4.) The treasurer of the school district shall keep a register giving the names of all persons who may have purchased any of the debentures of such district and the coupons thereof, with the time of purchase of such debentures, and on any sale of such debentures or coupons to other parties being reported to him by the buyer and seller of such debentures or coupons, with a request for registration, he shall register the date of such transfer.

145. The trustees of any school district having received notice from the lieutenant governor, authorizing them to contract a loan as hereinbefore provided, shall issue debentures therefor in the form set forth in subsection 3 of the next preceding section to secure the amount of the principal and interest of such loan upon the terms specified in the notices of polling before mentioned, and said debentures and the coupons thereof shall be sufficient, when signed by two of the trustees of the district to bind such school district, and to create a charge or lien against all school property and rates in the school district for which such loan is made.

146. All debentures shall, on redemption, be marked "cancelled," and signed by the secretary of the board of trustees, across the face thereof.

SCHOOL MEETINGS.

147. An annual meeting of the ratepayers of every public school district shall be called by the chairman of the board of trustees for the first Tuesday in November in each year, or such other day not later than the Saturday following, as may be expedient, by public notice, giving the day, place and hour of meeting, and such notice shall be posted in five conspicuous places within the district one week before the day for which the meeting was called.

148. The chairman of the board of trustees going out of office shall be chairman of the meeting, and the secretary of the school district shall record the minutes thereof.

149. There shall at such meeting be submitted in writing by the board of trustees and read to the meeting:

(1.) By the secretary thereof, a statement of the teacher and signed by him, giving the following particulars: (*a*) The number of days on which school was kept open during the year succeeding the last annual meeting; (*b*) The total number of children attending school during that period, specifying the number of males and females respectively; (*c*) The religious faith professed by the children, or their parents on behalf of the children; (*d*) The average daily attendance throughout the year; (*e*) The number of children who have attended 100 days during the year; (*f*) The number of children who have attended 160 days during the year; (*g*) The branches of education taught in the school and the number of children studying each; (*h*) The number of dismissals of scholars for misbehaviour or other causes; (*i*) The report of the inspector on the occasion of his last inspection of the school.

(2) By the secretary of the board of trustees and signed by him, a statement showing: (*a*) The names of the trustees for the year; (*b*) The vacancies created in the board during the year, if any, giving the reasons therefor, with an account of the elections held to fill such vacancies and the results thereof; (*c*) The engagements entered into during the year by the board, as well as an account of those entailed upon them by their predecessors; (*d.*) The amount of assessable property in the district according to the last finally revised assessment roll; (*e.*) The appeals against assessment made to the district court, and the result of such appeals; (*f.*) The times of holding regular meetings of the board of trustees during the year, and the resolutions adopted at such meetings, with such particulars of the minutes as may be demanded by any ratepayer present; (*g*) Particulars of the real and personal property held by the district;

(3.) By the treasurer of the district, and signed by him, a statement showing: (*a.*) The amount of money received by the district from all sources during the year, with particulars; (*b.*) The amounts accruing to the school district funds of the past year on account of: teacher's certificate; capitation grants for attendance of children; inspector's report of schools; assistant teachers employed. (*c.*) The amount of money due the district from all sources with particulars; (*d.*) The amount of money paid out by the district during the year, with the particulars of payment; (*e.*) The amount, if any, due by the district, to whom due and the terms and time of payment.

(4.) By the board of trustees, and signed by the chairman, such statement in regard to the past, present and future of the district as they may deem sufficient.

DEFERRED SCHOOL MEETINGS.

150. In case, from the want of proper notice or other cause, any first or annual school meeting, required to be held for the election of trustees was not held at the proper time, the district inspector of schools or any two resident electors in the school district may, within twenty days after the time at which the meeting should

have been held, call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school district, and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

PENALTIES.

151. Any trustee who shall: (1.) Knowingly falsify or cause or allow to be falsified assessment rolls, voters' lists, school returns, school registers and minutes of meetings or any of the records of the district, or who shall fail to deliver up such records when called upon by the chairman or duly appointed auditor; (2.) Misappropriate or cause to be misappropriated any of the funds or real or personal property of the district; (3.) Enter into or have any interest in any contract with the district, for which money is to be paid or work done; shall therefore be disqualified for fulfilling the term of office for which he was elected and shall be liable to a fine not exceeding fifty dollars.

152. Any school trustee, officer or employee of a school district who after his ceasing to hold office, detains any book, paper or thing belonging to the school district, shall thereby incur a penalty of not less than five dollars nor more than one hundred dollars for each day during which he wrongfully retains possession of such books, paper or thing after having received notice in writing from the chairman of the board of trustees or from the board of education requiring him to deposit the same in the hands of some person mentioned in such notice.

153. If a trustee or any other officer or employee of a school district knowingly sign any false school report, school register, assessment or collector's roll, notice of meetings or elections, or receipts for money on account of the school district, or certificate or other statement as provided in this ordinance, or shall knowingly falsify any of the above, he shall for each offence forfeit a sum not exceeding one hundred dollars.

154. Any returning officer of any school district or proposed school district, acting under the provisions of this ordinance, who shall knowingly and wilfully prejudice the result of any voting by preventing votes from being taken or taking unlawful votes or altering the returns or books in any way or by any other means, shall be liable to a fine not exceeding one hundred dollars.

155. Should the trustees of any school district wilfully contract liabilities in the name of the district greater or other than as provided in this ordinance, or appropriate any of the moneys of the school district for the purposes other than are provided in this ordinance, the school district through its proper officers, or the board of education, on its behalf, may recover from such trustees, jointly or severally, the sum or sums for which the district has been rendered liable through the action of such trustees over and above the amount provided in this ordinance, in addition to the total amount of any moneys that have been misappropriated by such trustees.

156. All prosecutions under the preceding sections of this ordinance may be instituted by any ratepayer of the school district affected, or by the board of education in any court having jurisdiction within the limits of such school district, and if the defendant does not appear or if the complaint be proven, the stipendiary magistrate or two justices of the peace shall forthwith declare the election of such trustee or other officer void, with such fine, not exceeding one hundred dollars and costs of court, as he or they may deem sufficient, and shall notify the chairman of the board to that effect, who shall thereupon give notice of an election to fill the vacancy thus created.

157. Any school district which fails to: (1.) Employ a duly qualified teacher for at least three months in every full year after organization; (2.) Elect and keep in office a duly qualified board of trustees; (3.) Pay at the time and the manner agreed upon, any debentures that may have been lawfully issued by such school district; may, upon complaint thereof being made and the fact established before a stipendiary magistrate and a certificate thereof having been received by the board of education, be proclaimed by the lieutenant governor to be disorganized.

158. Upon such proclamation being made the chairman of the board of education shall thereupon become invested with all the powers of the school trustees of such district to conduct the affairs thereof, and shall deal with, and, if necessary, wind up the affairs of such district as he may deem just and expedient.

MISCELLANEOUS.

159. The fiscal school year shall commence on the first day of November in each year, and all accounts opened during the preceding fiscal year shall, if possible, be closed at that date.

160. All moneys accruing from fines under this ordinance shall belong to the general revenue fund of the North-west Territories.

161. The board of education shall cause to be kept a register in which shall appear in regard to each school district: (1.) The date at which it was erected; (2.) The full name and number thereof; (3.) The limits, area, situation and general description thereof, according to the plan or map of such district originally submitted to the board of education; (4.) The alterations, if any, that have been made in its limits, with the date thereof; (5.) In cases in which the affairs of the district have been dealt with directly by the board of education, and the circumstances attendant thereon.

162. The board of education shall cause to be kept a book for the registration of debentures in which shall appear: (1.) The name and number of each school district issuing debentures; (2.) The amount of debenture indebtedness incurred by such district from time to time; (3.) The purposes for which the indebtedness was incurred, with particulars of the amount for each specific purpose; (4.) The date of redemption of each debenture.

163. The board of education shall cause to be printed and kept on hand such forms as they may deem necessary in the carrying out of this ordinance, and supply the same to parties interested, upon application at cost price.

164. Public notices put up in accordance with this ordinance may be either printed or written.

165. The expense of all elections ordered by the lieutenant governor shall be defrayed out of the general revenue fund of the North-west Territories and shall be made a charge against the school district in whose behalf they were incurred, to be repaid within one year from the date of the election or voting on account of which they were incurred.

166. In any school district where there are at least fifteen children of school age, within a radius of one mile and a half from the school-house, the public school for such district must be open during both the summer and the winter terms.

167. In cases where the school is only open for the summer term, such term shall constitute the school year for the purposes of the attendance of the children and the report of the inspector.

168. This ordinance shall come into force on the 1st day of February, 1886, from and after which date the school ordinance of 1884 shall be repealed.

169. This ordinance may be cited as "The School Ordinance of 1885."

No. 4. of 1885.

AN ORDINANCE RESPECTING SCHOOLS.

[*Passed 18th December, 1885.*]

Be it enacted by the Lieutenant Governor of the North-west Territories, in Council, as follows:—

1. The lieutenant governor shall be, ex-officio, a member and chairman of the board of education formed and constituted by the lieutenant governor in council, sitting as an executive council under the provisions of the school ordinance of 1884.

2. All school trustees holding office at the date of the passing of this ordinance shall hold office until their successors are elected under any ordinance in force in the Territories.

3. The following described areas of territory are hereby erected into school districts, under the school ordinance of 1884, as fully and effectually as if the proclamation of the lieutenant governor had issued proclaiming such districts, and the lieutenant governor shall appoint a returning officer for each such district for the purpose of electing a board of trustees for the same, viz.:—

(1.) The "school district of Poplar Grove, protestant public school district no. 31 of the North-west Territories," comprising sections 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, in township 17, range 9, section 25, in township 17, range 10, and sections 3, 4, 5, 6, 7, 8, 9 and 10, in township 18, range 9, all west of the second principal meridian;

(2.) "School district of Thistle, protestant public school district no. 32, of the North-west Territories," comprising sections 31, 32 and 33 and the north halves of sections 29 and 30, in township 17, range 8; sections 35 and 36, the east half of section 25, and the north half of section 26, in township 17, range 9, sections 4, 5, 6, 7, 8, 9, 16, 17 and 18, in township 18, range 8, and sections 1, 2, 11, 12, 13 and 14, in township 18, range 9, all west of the 2nd principal meridian;

(3.) "School district of Summerberry, protestant public school district no. 33, of the North-west Territories," comprising sections 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27 and 28, the north halves of sections 3, 4, 5, 6, and the south halves of sections 29 and 30, in township 17, range 8; sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 23 and 24, the west half of section 25 and the south half of section 26, in township 17, range 9, all west of the 2nd principal meridian;

(4.) "School district of Summerhill, protestant public school district no. 34, of the North-west Territories," comprising sections 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, in township 16, range 8, and the south halves of sections 2, 3, 4, 5 and 6, in township 17, range 8, all west of the 2nd principal meridian;

(5.) "School district of Westfield, protestant public school district no. 35, of the North-west Territories," comprising township 16, range 9, west of the 2nd principal meridian;

(6.) "School district of Greenville, protestant public school district no. 36 of the North-west Territories," comprising sections 1 to 30 inclusive, in township 15, range 10, west of the 2nd principal meridian;

(7.) "School district of Abbottsford, protestant public school district no. 37 of the North-west Territories," comprising sections 31 to 36 inclusive, in township 15, range 10, and sections 1 to 24 inclusive, in township 16, range 10, all west of the 2nd principal meridian;

(8.) "School district of Sunnymead, protestant public school district no. 38 of the North-west Territories," comprising sections 18, 19, 30 and 31, and the west halves of sections 17, 20, 29 and 32, in township 14, range 2, and sections 13, 14, 23, 24, 25, 26, 35 and 36, and the east halves of sections 15, 22, 27 and 34, in township 14, range 3, all west of the 2nd principal meridian;

(9.) "School district of Mount Pleasant, protestant public school district no. 39 of the North-west Territories," comprising sections 7, 18, 19, 30 and 31, in township 19, range 14; section 6, in township 20, range 14; sections 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, in township 19, range 15, and sections 1, 2, 3 and 4, in township 20, range 15, all west of the 2nd principal meridian;

(10.) "School district of Bonnycastle, protestant public school district no. 40 of the North-west Territories," comprising all that portion of township 20, in range 12, west of the 2nd principal meridian, lying north of the Fishing lake in said township;

(11.) "School district of Lindsay, protestant public school district no. 41 of the North-west Territories," comprising sections 30, 31 and 32, in township 46, range 27, sections 25, 26, 35 and 36 in township 46, range 28; sections 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20 and the north-west quarter of section 3 in

township 47, range 27; sections 1, 12, 13 and 24 in township 47, range 28, all west of the 2nd principal meridian; also sections 25 and 26 in township 46, range 1, and sections 1, 12, 13 and 24 in township 47, range 1, west of the 3rd principal meridian;

(12.) "School district of Kinisteno, protestant public school district no. 42 of the North-west Territories," comprising sections 3, 4, 5, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35, and the east halves of sections 2 and 14 in township 45, range 21; sections 10, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36 in township 45, range 22, and section 2 in township 46, range 22, all west of 2nd principal meridian;

(13.) "School district of Hillburn, protestant public school district no. 43 of the North-west Territories," comprising sections 19, 20, 21, 28, 29, 30, 31, 32 and 33 in township 15, range 31; sections 4, 5, 6, 7, 8, 9, 16, 17 and 18 in township 16, range 31; sections 22, 23, 24, 25, 26, 27, 34, 35 and 36 in township 15, range 32; and sections 1, 2, 3, 10, 11, 12, 13, 14 and 15 in township 16, range 32, all west of the 1st principal meridian;

(14.) "School district of Island Lake, protestant public school district no. 44 of the North-west Territories," comprising township 47, range 25, west of 2nd principal meridian;

(15.) "School district of Fleming, protestant public school district no. 45 of the North-west Territories," comprising sections 30 to 36, inclusive, in township 12, range 30, and sections 1 to 24, inclusive, in township 13, range 30, west of 1st principal meridian;

(16.) "School district of Fairfield, protestant public school district no. 46 of the North-west Territories," comprising sections 1 to 39, inclusive, in township 12, range 30, west of the 1st principal meridian;

(17.) "School district of Macleod, protestant public school district no. 47 of the North-west Territories," comprising from the point where the Old Man's river crosses the western side of section 5, in township 9, range 26, continuing two miles on each side down stream of the said river to the point where said river crosses the northern side of section 10, township 10, range 25, west of the 4th principal meridian;

(18.) "School district of Pheasant Forks, protestant public school district no. 48 of the North-west Territories," comprising township 21, range 9, west of the 2nd principal meridian;

(19.) "School district of Saint Laurent, catholic public school district no. 9 of the North-west Territories," comprising sections 3 to 36, inclusive, in township 44, range 1, and sections 25 and 36 in township 44, range 2, west of the 3rd principal meridian;

(20.) "School district of Lourdes, catholic public school district no. 10 of the North-west Territories," comprising that portion of township 45, range 1, west of the 3rd principal meridian, and also that portion of township 45, range 28, west of the 2nd principal meridian, lying south of the south branch of the Saskatchewan river;

(21.) "School district of Lacombe, catholic separate school district no. 1 of the North-west Territories," comprising sections 25 to 36, inclusive, in township 23, and sections 1 to 24, inclusive, in township 24, range 1, west of the 5th principal meridian.

4. The following persons are hereby declared to be the trustees of the "school district of Park, protestant public school district no. 20 of the North-west Territories," viz., Daniel Campbell, Joseph Callin and George Vigar.

5. The following persons are hereby declared to be the trustees of the "school district of Bellerose, catholic public school district no. 6 of the North-west Territories," viz., Octave Bellerose, Julien Savard and Charles Dumas.

6. The following persons are hereby declared to be the trustees of the "school district of Saskatoon, protestant public school district no. 13 of the North-west Territories," viz., Henry Trounce, Robert M. Dalmage and Thomas Copland.

No. 10 of 1886.

AN ORDINANCE TO AMEND THE SCHOOL ORDINANCE OF 1885.

[*Passed* 16*th November*, 1886.]

Be it enacted by the Lieutenant Governor of the North-west Territories, in Council, as follows:—

1. That sections 5 and 6 of the school ordinance of 1885 be repealed, and the following substituted therefor:

5. It shall be the duty of the board:

(1.) To meet twice a year at least, at Regina;

(2.) To pay the salaries and expenses of the officers of the board, as directed by the lieutenant-governor in council;

(3.) To appoint a secretary to the board;

(4.) To make, from time to time, such regulations as they may think fit for the general organization of schools;

(5.) To make regulations for the registering and reporting of the daily attendance at all schools;

(6.) To cause to be kept a proper record of the proceedings of the board;

(7.) To determine all appeals from the decisions of inspectors of schools, and to make such orders thereon as may be required;

(8.) To prescribe the form of school register for all schools;

(9.) To make regulations for the calling of their meetings, from time to time, and prescribe the notices thereof to be given to members.

And for such schools as are not designated protestant or Roman catholic:

(10.) To appoint inspectors who shall hold office during the pleasure of the board;

(11.) To appoint a board or boards of examiners for the examination of teachers whose qualifications shall, from time to time, be prescribed by the board of education;

(12.) To arrange for the proper examination, grading and licensing of teachers, and the granting of certificates, such certificates to be of four classes, viz., first, second, third and provisional;

(13.) To select, adopt and prescribe a uniform series of text-books to be used in such schools;

(14.) To cancel the certificate of a teacher upon sufficient cause.

6. The board of education shall resolve itself into two sections, the one consisting of the protestant, and the other of the Roman catholic members thereof, and it shall be the duty of each section, for the schools of its section:

(1.) To have under its control and management the schools of its sections, and to make, from time to time, such regulations as may be deemed fit for their general government and discipline, and the carrying out of the provisions of this ordinance;

(2.) To cancel the certificate of a teacher upon sufficient cause;

(3.) To select, adopt and prescribe a uniform series of text-books;

(4.) To appoint inspectors, who shall hold office during the pleasure of the section;

(5.) To appoint a board or boards of examiners, for the examination of teachers, whose qualifications shall, from time to time, be prescribed by the section;

(6.) To arrange for the proper examination, grading and licensing of teachers, and the granting of certificates, such certificates to be of four classes, viz., first, second, third and provisional.

2. Every teacher's certificate of qualification shall have the signature of a member of the board of education, and no certificate shall be given to any teacher who does not furnish satisfactory proof of good moral conduct.

3. That section 7 of the said ordinance be amended by striking out all the words after the words "such school district" in the said section.

4. That section 8 of the said ordinance be repealed, and the following substituted therefor:—

"8. Every school district shall be known under the corporate name of the (here insert the name chosen by the people of the district) school district no. (given by the lieutenant governor) of the North-west Territories;' and the lieutenant governor may, from time to time, alter the corporate name of any school district, upon the petition of the majority of the ratepayers of such-district, by proclamation in the *Official Gazette*."

5. That section 9 of the said ordinance be amended by striking out the words "protestant or catholic, public or separate."

6. That the words "alien or," in section 10 of the said ordinance, be struck out.

7. That the words "alien or," in the "notice" in section 14 of the said ordinance, be struck out.

8. That section 23 of the said ordinance be repealed, and the following clause substituted therefor:—

"23. Trustees shall be resident electors."

9. That sections 25 and 26 of the said ordinance be repealed, and the following provisions substituted therefor:—

25. That the returning officer shall not be eligible for the officer of trustee.

(1.) That the trustees elect shall forthwith make the following declaration before the returning officer:—

I, A.B., do hereby accept the office of trustee, to which I have been elected, in (name of school district in full), and I will, to the best of my ability, honestly and faithfully discharge the duties devolving on me as such, during the term for which I have been elected, in accordance with the ordinance of the North-west Territories.

(2.) The returning officer shall thereupon grant him a certificate of election in the following form:—

I, A.B., do hereby declare that (give name, residence and occupation of person mentioned) elected trustee for (give name of school district), to hold office until the thirty-first day of October, 18 , has this day made before me the declaration of office, as prescribed by the ordinance in that behalf.

A.B.,

Dated, Returning Officer.

26. The returning officer shall, within ten days after the date of the election, send to the lieutenant governor a copy of the minutes of the meeting, and a declaration made before a justice of the peace, stating the names and addresses of the trustees elected, and that they have fulfilled the requirements of the foregoing section."

10. That section 27 of the said ordinance be repealed, and the following provisions substituted therefor:

27. The trustees elected at a first school district meeting shall be declared to hold office as follows:—

(1.) The candidate receiving the highest number of votes, either by polling or show of hands, as the case may be, or the first one nominated, if no vote has been taken, shall be elected to serve until the thirty-first day of the third October following the election;

(2.) The candidate receiving the second highest number of votes, or second in the order of nomination, shall be elected to serve until the thirty-first day of the second October following the election;

(3.) The candidate receiving the third highest number of votes, or the third in order of nomination, shall be elected to serve until the thirty-first day of the first October following the election;

(4.) Provided always, that when the election takes place between the thirtieth day of April and the thirtieth day of September, in any year, the third trustee shall continue in office until the thirty-first day of October next ensuing the one following the election; the second trustee shall continue in office until the thirty-first day of the third October following the election;

and the first trustee shall continue in office until the thirty-first day of the fourth October following the election;

(5.) In school districts organized before the date of the passing of this ordinance, the foregoing regulations shall take effect at the election of trustees, to be held on the first Tuesday in November, 1887.

11. That in section 28 of the said ordinance, after the words "first school meeting" the words "and the declaration of the returning officer" be inserted.

12. That in section 31 of the said ordinance, the words "any number of property holders, resident within the limits of any public school district or within two or more adjoining public school districts, or some of whom are within the limits of an organized school district and others on adjacent land not included within such limits," be struck out, and the following words be inserted in lieu thereof: "A number of the ratepayers, whether protestant or Roman catholic, the same being a minority of the ratepayers resident within the limits of an organized public school district to establish a separate school district therein, the same."

13. That in section 35 of the said ordinance, after the words "such petition," there be inserted the following words: "And upon its being made to appear to the satisfaction of the lieutenant governor that the petitioners are of a faith, either protestant or Roman catholic, different from the majority of the ratepayers of the school district affected."

14. That in section 40 of the said ordinance, after the words "petitioning the" the words "trustee of such district to that effect," be struck out, and the following words inserted in lieu thereof: "Board of education to that effect, and giving the assessed value of the property affected."

15. That section 41 of the said ordinance be repealed, and the following clause substituted therefor: "41. The board of education, on receiving a petition to the effect and in the form and substance mentioned in the next preceding section, shall have power to deal with the matter as they may see fit, and shall notify, in writing, the district or districts affected, their decision thereon."

16. That sections 43, 44 and 45 of the said ordinance be repealed, and the following clause substituted therefor: "The regular annual election of a school trustee to fill the vacancy, which occurs yearly under the provisions of section 10 of this ordinance, shall take place after the reports required by section 149 of ordinance no. 3 of 1885 have been submitted and approved at the annual meeting of ratepayers on the first Tuesday in November in each year."

17. That in section 46 of the said ordinance, after the words "such meeting to the," the words "district inspector of school, who shall report upon the same to the president of the board of education," be struck out, and the following words substituted therefor: "Secretary of the board of education."

18. That section 47 of the said ordinance be repealed, and the following clause substituted therefor: "47. At the annual meeting an auditor shall be elected by the ratepayers to audit the accounts of the district and report the result thereof to the meeting."

19. That the following clause be added to section 54 of the said ordinance, as subsection 6: "The teacher of a school may be the secretary of the school district, but not the treasurer."

20. That in section 56 of the said ordinance, after the words "elected to serve," the words "but such treasurer shall receive no remuneration for his services," be struck out, and the following words inserted in lieu thereof, "and may be remunerated for his services by a sum not exceeding two and a half per cent on all monies passing through his hands on account of the district, the proceeds of school debentures excepted."

21. That in subsection (2) of section 61 of the said ordinance, after the words "central location," there be inserted in parentheses, the words "(subject to the decision of the meeting called under section 68 of this ordinance)."

22. That the following subsections be added to section 61 of the said ordinance: "(9.) Enter into a contract to have a school-house built, payment for which may be made in a term of years (not exceeding five years), in annual or semi-annual pay-

ments. The whole cost of such building not to exceed $500. (10.) Procure a corporate seal for the use of the district."

23. That after the words "in writing," in section 62 of the said ordinance, the following words be added: "provided he pays into the funds of the school district the sum of twenty dollars."

24. That in section 68 of the said ordinance, the words "change in" be struck out, and the words "decision upon" substituted therefor.

25. That in section 72 of the said ordinance, after the words "school hours," the words "or recess," be inserted.

26. That section 75 of the said ordinance be repealed, and the following clause substituted therefor: "75. There may be one month's holidays during the summer term, in either the months of July or August, at the discretion of the trustees; but before the 1st July in each year the trustees shall notify the inspector of their district the date and duration of the holidays."

27. That the following words be added to section 77 of the said ordinance: "not exceeding one day at a time."

28. That the following words be struck out of section 81 of the said ordinance: "resident outside the limits of such district."

29. That subsection (*a*) and (*b*) of subsection (2) of section 85 of the said ordinance be repealed, and the following clauses be substituted therefor:

"(*a*.) A grant of $2 per child to every school whose average attendance is at least eight, for every child who has attended school ninety school days, where the school is open during the summer term."

"(*b*.) A grant of $1.50 per child to every school whose average attendance is at least eight, for every child who has attended school fifty school days, where the school is open during the winter term."

30. That the following words in section 104 of the said ordinance be struck out: "as soon after the first of February in each year as shall be deemed expedient by the trustees," and the following words, "by the first of April in each year," inserted in lieu thereof.

31. That the following words in section 108 of the said ordinance be struck out: "posting of the last of the notices hereinbefore mentioned," and the following words, "filing of the roll," inserted in lieu thereof.

32. That the following clause be added to section 111 of the said ordinance: "and upon the production of a receipt from the treasurer of the school district to which such ratepayer has elected to pay his taxes as aforesaid, showing that the same have been duly paid, such person shall be relieved from payment of any taxes to the school district within which he resides."

33. That section 124 of the said ordinance be repealed.

34. That after the words "they shall," in section 132 of the said ordinance, there be inserted the words "pass a by-law to that effect, as per form A in schedule annexed hereto, or to the like effect;" and after the words "majority of the" there be inserted the words "votes of the."

35. That after the word "notice," in section 133 of the said ordinance, there be inserted the words "as per form B in schedule annexed hereto, or to the like effect."

36. That section 134 of the said ordinance be repealed.

37. That the words "two justices," in subsection (10) of section 137 of the said ordinance, be struck out, and the words "a justice" substituted therefor.

38. That wherever the word "justices" occurs in sections 138, 139, 140 and 141, or in any subsection of such sections of the said ordinance, it be struck out, and the word "justice" inserted in lieu thereof.

39. That the words "alien or" in the oath in subsection (5) of section 137 of the said ordinance be struck out.

40. That the words "the clerk of the court," in section 139 of the said ordinance be struck out, and the word "him," substituted therefor.

41. That after the word "return," in section 141 of the said ordinance, the following words be inserted: "as per form C in schedule annexed hereto, or to the like effect."

42. That section 142 of the said ordinance be repealed, and the following clause substituted therefor: "142. If it is desired to appeal from the decision of the justice, such appeal must be made in the manner provided in the act 32 and 33 Victoria, chap. 31, sec. 65, intituled "An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders."

43. That section 143 of the said ordinance be repealed, and the following clause substituted therefor:

"143. Upon receipt of the return mentioned in section 141, and upon being satisfied that the several conditions, required by this ordinance, have been complied with, the lieutenant governor shall, in writing, empower the trustees to borrow the sum or sums of money mentioned in the by-law, and shall publish the same in the *Official Gazette* of the North-west Territories; and the assent of the lieutenant governor, published as aforesaid, to any such loan, shall be conclusive evidence that all the necessary formalities have been complied with, and that such loan is one which such school district may lawfully make."

44. That the following words be added to section 144 of the said ordinance: "except as hereinbefore provided by this ordinance."

45. That in subsection (2) of section 144 of the said ordinance the word "fifteen" be struck out, and the word "twenty" substituted therefor.

46. That the following words be added to subsection 3 of section 144 of the said ordinance: "or to the like effect."

47. That subsection (4) of section 144 of the said ordinance be hereby repealed, and the following clause substituted therefor:

(4.) Debentures shall not carry interest at a greater rate than eight per centum per annum.

48. That in section 145 of the said ordinance, the words "notices of polling" be struck out, and the word "by-law" substituted therefor.

49. That subsection (2) of section 151 of the said ordinance be repealed.

50. That the following words be added to section 164 of the said ordinance: "and, unless otherwise provided, the trustees shall post up, within the district, at least five such notices, not less than eight days prior to the holding of all public meetings."

51. All declarations and affidavits provided by this ordinance, or the school ordinance of 1885, may be made either before a justice of the peace or a notary public.

52. Whereas the trustees of the school district of Lethbridge, protestant public school district no. 51 of the North-west Territories, being desirous of borrowing by debentures, under the provisions of the school ordinance of 1885, the sum of $2,500, did, on the 29th day of July, 1886, as provided by said ordinance, duly submit the matter to a vote;

And whereas it is provided by the said ordinance that the returning officer who took such vote shall, within seven days after the taking of such vote, appear before two justices of the peace, for the purpose of procuring from them a return to the lieutenant governor, showing the total number of votes taken, and the number remaining on each side, after a recount;

And whereas, owing to the fact that there were not two justices of the peace available, the returning officer was unable to appear before the two justices, as required by law, but did, on the 23rd day of September, 1886, appear before two justices, who made the necessary return:

Be it enacted by the authority aforesaid, that notwithstanding the fact that the said returning officer did not appear before two justices as required by law, the lieutenant governor may proceed under the provisions of this ordinance, and empower the board of school trustees of the "school district of Lethbridge, protestant public school district no. 51 of the North-west Territories," to borrow the sum of $2,500, as hereinbefore provided.

SCHEDULE.

Form A

Vide Section 34.

By-Law No.

A by-law relating to the issue of debentures of the (*give full corporate name of school district*).

Whereas it is necessary and desirable that the sum of — dollars should be borrowed on the security of the (*give full name of district*), for the purpose of repayable to the bearer, with interest at per centum per annum, in equal consecutive annual instalments;

Now, therefore, the board of trustees of the said school district enact as follows:

1. That the necessary notices be given, advertisements published and proceedings had, under "The School Ordinance of 1885 and amendments thereto," for receiving the sanction of the ratepayers of the school district to the loan and the issue of debentures therefor, and that the voting thereon shall take place at on the day of 18 , pursuant to the provisions of said ordinance and amendments thereto.

2. That if the said sanction be obtained, and the lieutenant-governor shall empower, in writing, the said board of trustees to borrow the said sum pursuant to said ordinance and amendments thereto, then debentures of said district shall be issued, payable to the bearer, in equal consecutive annual instalments, with interest at per centum per annum, and shall be executed by the chairman and one member of this board of trustees.

Done and passed at in the provisional district of this day of A.D. 18

Chairman.

(Seal.) } Trustees.

FORM B.

Vide Section 35.

Public Notice.

By the trustees of the (*give full corporate name of school district*).

Whereas it is deemed expedient by the trustees of the (*give full name of district*), that the sum of dollars should be borrowed on the security of the said school district by the issue of debentures repayable to the bearer in equal consecutive annual instalments, from the issue thereof, with interest at the rate of per centum per annum, for the following purposes, namely:—

Therefore, notice is hereby given, by the trustees of said district, that a poll will be opened by the undersigned, chairman of the said trustees, at the on the day of 18 , at the hour of ten o'clock a.m., and will continue open until four o'clock p.m. of the same day, when the votes of those duly qualified to vote thereon will be taken for or against raising the said sum of dollars by way of a loan on the security of the said school district as hereinbefore set forth.

The qualification of voters is expressed in the following oath, which persons desiring to vote must take, if required:—"I, A.B., do solemnly swear that I am a *bona fide* resident ratepayer of the (*name of school district*); that I have paid the school taxes assessed against me on the last revised assessment roll of the ; that I am of the full age of twenty-one years; that I am not an unenfranchised Indian; that I have not voted before at this election, and I have not received any reward, either directly or indirectly, nor have I any hope of receiving any reward for voting at this time and place. So help me God."

Of which all persons interested are hereby notified, and are required to govern themselves accordingly.

Chairman.

} Trustees.

Dated at
this day of 18 .

FORM C.

Vide Section 41.

I, the undersigned justice of the peace (*or* notary public, *as the case may be*), in and for the North-west Territories, having received the poll book used to record the votes taken at the meeting held in the (*give name of school district in full*) on the day of 18 , in connection with the issue of debentures on the security of the said district, and having heard all complaints relative to the conduct of the voting, beg leave to submit the following return of the vote:—

Total No. of Votes taken.		No. of Votes on each side after the recount.	
FOR.	AGAINST.	FOR.	AGAINST.

J. P. *or* N. P.

Dated at
this day of 18 .

No. 2 OF 1887.

AN ORDINANCE RESPECTING SCHOOLS.

[*Passed* 18*th November*, 1887.]

Be it enacted by the Lieutenant Governor of the North-west Territories, in Council, as follows:—

BOARD OF EDUCATION.

1. The lieutenant governor in executive council may appoint and constitute a board of education for the North-west Territories, composed of eight members, to hold office for two years and until their successors are appointed, five of whom shall be protestants and three shall be Roman catholics.

2. The board shall meet at Regina on the second Tuesday in March, June, September and December in each year, and at such other times as the lieutenant governor may direct.

3. A majority of the board shall be a quorum.

4. The members of the board shall be paid for their services four dollars for each day of attendance at their meetings, and their actual travelling expenses.

5. Any member of the board absenting himself from the meetings of the board, or from the meetings of his section as hereinafter defined, for six months, shall forfeit his seat, and the other members of the section to which the member so absenting himself belongs, shall notify the lieutenant governor of the vacancy so caused, and the lieutenant governor shall appoint his successor, subject to confirmation by the lieutenant governor in executive council; and in the event of any member dying, or resigning his seat, or leaving the Territories, another member shall be so appointed in his place; subject to like confirmation.

6. At the first meeting of the board, after the passing of this ordinance, the board shall appoint one of their number as chairman, who may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

(1.) In case of absence of the chairman from any meeting of the board, the then assembled members shall elect one of their number to act in that capacity, who shall for the time being possess the same powers and privileges as the chairman.

7. It shall be the duty of the board:—

(1.) To prescribe the duties of the secretary to the board;

(2.) To make regulations for the registering and reporting of the daily attendance at all schools, and to prescribe the form of school register;

(3.) To cause a proper record to be made of the proceedings of the board;

(4.) To determine all appeals from the decisions of inspectors of schools, and to make such orders thereon as may be required;

(5.) To provide for an uniform system of inspection of all schools and the payment of inspectors, and to make, from time to time, such regulations as may be deemed necessary with respect to the duties of inspectors;

(6.) To arrange for the proper examination, grading and licensing of teachers and the granting of certificates, which shall be of six classes, viz., first class (two grades), second class (two grades), third class and provisional;

And for such schools as are not designated protestant or Roman catholic:

(7.) To take charge of all schools organized under this or any previous ordinance, and to make, from time to time, such regulations as may be deemed fit for their general government and discipline, and the carrying out of the provisions of this ordinance;

(8.) To appoint inspectors, who shall hold office during the pleasure of the board;

(9.) To select, adopt and prescribe an uniform series of text books to be used in such schools;

(10.) To cancel the certificate of a teacher upon sufficient cause.

8. The board of education shall resolve itself into two sections, the one consisting of the protestant, and the other of the Roman catholic members thereof, and it shall be the duty of each section for the schools of its section:

(1.) To have under its control and management the schools of its section, and to make, from time to time, such regulations as may be deemed fit for their general government and discipline, and the carrying out of the provisions of this ordinance;

(2.) To select, adopt and prescribe an uniform series of text books;

(3.) To appoint inspectors, who shall hold office during the pleasure of the section appointing them;

(4.) To cancel the certificate of a teacher upon sufficient cause.

9. There shall be a general board of examiners for teachers' certificates, whose number and remuneration shall be fixed by the board of education, one half of which board of examiners shall be nominated by each section of the board.

10. Each section of the board shall have the selection of text books for the examination of teachers in history and science, and it shall have power to prescribe any additional subjects of examination for the teachers of schools of its section, and in all examinations on such subjects the examiners of each section shall respectively have exclusive jurisdiction.

SECRETARY TO THE BOARD.

11. The lieutenant governor in executive council shall appoint a secretary to the board of education and provide for his salary, whose duties, except as hereinafter provided, shall be such as imposed by the board.

12. It shall be the duty of the secretary to call all meetings of the board of education, and of the sections thereof, in accordance with the provisions of this ordinance, and also to call any school meeting required to be held under this ordinance, when the parties, who are otherwise invested with the power to do so, either neglect or refuse to exercise it.

13. In the event of the resignation or death of the secretary the lieutenant governor shall appoint his successor, subject to confirmation by the lieutenant governor in council.

SCHOOL DISTRICTS.

14. The expression "school district" means any tract of land declared by the lieutenant governor, as hereinafter provided, to be a school district.

15. The name of every school district created under this ordinance shall be "The (here insert the name chosen as hereinafter provided) school district no. (given by the lieutenant governor) of the North-west Territories."

16. A school district shall comprise an area of not more than twenty-five square miles, not more than five miles in breadth or length, exclusive of road allowances, and shall contain not less than four resident heads of families, and ten children of "school age," which shall mean between the ages of five and sixteen, inclusive.

RATEPAYERS.

17. The expression "ratepayer," when used in this ordinance, means any person liable to pay rates for school purposes, or who may become so.

FORMATION OF SCHOOL DISTRICTS.

18. Any three ratepayers resident in any district, fulfilling the requirements of section 16 of this ordinance, may be formed, or may form themselves into a committee to procure its erection into a school district, and may petition the lieutenant governor for such erection.

19. The petition shall set forth:

(1.) The proposed name, limits, definite location and approximate area of the proposed school district;

(2.) The total population, and the number of adults and children (from five to sixteen years of age, inclusive) resident within the proposed district;

(3.) The total number of ratepayers in the district, and the number of protestant and Roman catholic ratepayers respectively; and such petition shall be accompanied by a sketch, plan or map of the proposed district, showing its boundaries, principal legal subdivisions, physical features and general location; and in case of rural school districts, the sections, half or quarter sections on which the children of school age reside.

20. The petition must be accompanied by an affidavit of the several members of the committee, that said members are *bona fide* resident ratepayers of the proposed school district, and that the statements made in the petition are correct.

21. On the receipt of a petition for the erection of a school district, the lieutenant governor shall take such steps as he may think advisable to determine whether

or not there are any objections to the limits of the proposed district, and shall notify the petitioners of his determination.

22. On receiving the approval of the lieutenant governor to the limits of any proposed district, a notice, in form A, in schedule annexed hereto, calling a meeting of the ratepayers, shall be posted up by the petitioners in at least five widely separate places within such limits, one of which shall be the post office therein, or nearest thereto, at least two weeks next preceding the date of said meeting:

(1.) A certified copy of such notice, together with an affidavit by a member of the committee, that at least five such notices have been posted, as hereinbefore provided, shall be forwarded to the lieutenant governor.

FIRST SCHOOL MEETING.

23. At the hour appointed in the notice of the committee calling the first school meeting, the ratepayers present shall organize the meeting by appointing a chairman and secretary.

24. The chairman shall decide all questions of order, subject to an appeal to the meeting, and in case of an equality of votes, he shall give the casting vote, but he shall have no vote except as chairman.

25. The chairman shall take the votes in the manner desired by a majority of the ratepayers present; but he shall, at the request of any two ratepayers, grant a poll for recording by the secretary, the names of the voters present; such poll shall close at 4 o'clock p.m.

26. If required by any person present, or of his own accord, if deemed advisable, the chairman shall administer the oath prescribed in notice in form A in schedule annexed hereto.

27. If the majority of votes taken at this meeting is against the erection of a school district, the chairman shall notify the same to the lieutenant governor.

FIRST ELECTION OF TRUSTEES.

28. So soon as the majority of the ratepayers at this first school meeting have decided in favour of the erection of the school district, the ratepayers present shall, by a majority of votes, elect from the resident ratepayers in the district, three trustees.

29. The chairman at the first election of trustees shall not be eligible for the office of trustee.

30. Every ratepayer shall have as many votes as there are trustees to be elected, but shall in no case vote more than once for any one candidate at the same election.

31. The trustees elected at a first school district meeting shall be declared to hold office as follows:—

(1.) The candidate receiving the highest number of votes, either by polling or show of hands, as the case may be, or the first one nominated, if no vote has been taken, shall be elected to serve until the first Tuesday in the third November following the election;

(2.) The candidate receiving the second highest number of votes, or second in the order of nomination, shall be elected to serve until the first Tuesday in the second November following the election;

(3.) The candidate receiving the third highest number of votes, or the third in order of nomination, shall be elected to serve until the first Tuesday in the first November following the election;

(4.) Provided always, that when the election takes place between the thirtieth day of April and the first Tuesday in November in any year, the third trustee shall continue in office until the first Tuesday in November next ensuing the one following the election; the second trustee shall continue in office until the first Tuesday in the third November following the election; and the first trustee shall continue in office until the first Tuesday in the fourth November following the election;

(5.) Provided always, that when the annual meeting is not held on the first Tuesday in November, the trustee going out of office shall remain in office until his successor is elected.

32. Every trustee shall, before taking office, make the following declaration before the chairman:

I, A.B., do hereby accept the office of trustee, to which I have been elected, in (name of school district in full), and I will, to the best of my ability, honestly and faithfully discharge the duties devolving on me as such, during the term for which I have been elected in accordance with the ordinance of the North-west Territories.

(1.) The chairman shall thereupon grant him a certificate of election in the following form:

I, A.B., do hereby declare that (give name, residence and occupation of person mentioned) elected trustee for (give name of school district) has this day made before me the declaration of office, as prescribed by the ordinance in that behalf.

A.B.,

Dated, Chairman.

33. The chairman shall, within ten days after the date of the election, send to the lieutenant governor a certified copy of the minutes of the meeting, and a declaration made before a justice of the peace, stating the names and addresses of the trustees elected, and that they have fulfilled the requirements of the next preceding section.

PROCLAMATION.

34. On receiving the report of a first school meeting and the declaration of the chairman, the lieutenant governer shall, if the majority of the votes at the school district meeting has been in favour of the erection of the school district, forthwith proclaim the district a school district in accordance with the terms of the petition addressed to him in that behalf with such number as he may see fit, and in manner as hereinafter provided.

35. The proclamation of the lieutenant governor erecting any school district shall set forth:

(1.) The name in full, number, situation and limits thereof;

(2.) The date and place at which the meeting of ratepayers and the election of trustees was held;

(3.) The names of the elected trustees.

SEPARATE SCHOOLS.

36. In accordance with the provisions of "The North-west Territories Act," providing for the establishment of separate schools, it shall be lawful for any number of the ratepayers, whether protestant or Roman catholic, the same being a minority of the ratepayers resident within the limits of an organized public school district, to establish a separate school therein, by proclamation of the lieutenant governor, with the same rights, powers, privileges, liabilities and method of government as herein provided in the case of public school districts.

37. The petition for the erection of a separate school shall show:—

(1.) The name of the school district;

(2.) The number of children of school age resident within such district, of the religious faith of the petitioners.

38. Each such petition shall be accompanied by an affidavit of some competent person verifying the signatures and facts therein set forth.

39. Upon the receipt of such petition, and upon its being made to appear to the satisfaction of the lieutenant governor that the petitioners are of a faith, either protestant or Roman catholic, different from the majority of the ratepayers of the school district affected, the lieutenant governor shall issue his proclamation declaring such separate school established.

40. The lieutenant governor shall at the same time notify, in writing, the board of trustees of such school district, of the establishment of such separate school.

41. After the establishment of a separate school, the ratepayers thereto shall not be assessable by the public school district within whose limits the separate school is situated, except for the purpose of paying off any indebtedness that may have been incurred previous to the establishment of such separate school.

ALTERATIONS IN LIMITS OF SCHOOL DISTRICTS.

42. The lieutenant governor shall have power to alter the boundaries of a school district, or divide one or more existing school districts into two or more districts, or to unite portions of an existing district with another district, or with any new district, in case it has been satisfactorily shown before him that the rights of ratepayers under section 14 of the "North-west Territories Act" to be affected thereby, will not be prejudiced.

ANNUAL ELECTION OF TRUSTEES.

43. The regular annual election of a school trustee to fill the vacancy which occurs yearly under the provisions of section 31 shall take place after the reports required by section 171 of this ordinance have been submitted at the annual meeting of ratepayers to be held on the first Tuesday in November in each year.

44. Trustees shall be resident ratepayers.

ELECTION OF AUDITOR.

45. At the annual meeting an auditor shall be elected by the ratepayers to audit the accounts of the district and report the result thereof to the meeting.

MINUTES OF MEETINGS.

46. A correct copy of the proceedings of every school meeting, signed by the chairman and secretary, shall be forthwith transmitted by the secretary of such meeting to the secretary of the board of education.

TRUSTEES OF EVERY SCHOOL SHALL BE A CORPORATION.

47. The trustees of every public school district and the trustees of every separate school, shall be a body corporate, and as such body corporate shall have all rights and be subject to all liabilities of a corporation at common law, and shall have full power to acquire, hold and alienate both real and personal estate for all school purposes, and by the same name, they and their successors shall have perpetual succession, and they shall have full power to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts and in all actions, causes and suits at law and in equity whatsoever, and they shall have a common seal, with power to alter and modify the same at their will and pleasure, and they shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property, real or movable, for the use of the said school district, or separate school, as the case may be, and of becoming parties to any contracts or agreements in the management of the affairs of the said school district, or separate school, as the case may be, and of negotiating loans and borrowing money, upon the credit of such corporation, for the purpose of defraying any expenses necessary for the carrying on of the business of such corporation, subject always to the regulations and requirements of this ordinance.

BOARD OF SCHOOL TRUSTEES.

48. It shall be the duty of the board of trustees of every school to:—

(1.) Select a school site, which shall be in the centre of the district, or as near thereto as the securing of a dry, healthy and suitable location will permit;

(2.) Engage a qualified teacher, or teachers, on such terms as the board may deem expedient: The contract shall be in writing, and may be in form B in the schedule annexed hereto;

(3.) To take possession and have the custody and safe keeping of all school property, which has been acquired or given for school purposes to their district;

(4.) To do whatever they may judge expedient with regard to building, repairing, renting, warming, furnishing, and keeping in order, the school house or school houses in their district, its or their furniture and appendages, and the school lands and enclosures held by them, and for procuring apparatus and school books for their school;

(5.) Make such assessments on real and personal property of the district, and levy such taxes as may be necessary to defray the expenses authorized to be incurred by this ordinance, and all necessary expenses incurred in the election of trustees, paying the teacher, keeping the accounts or transacting the business of the district, and in furnishing the school-room with school material, furniture and firing;

(6.) Inspect the school, see that good order is kept and proper instruction is given and dismiss the teacher or any of the pupils for misconduct or immorality, or the teacher for incapacity;

(7.) To keep a record of their proceedings, signed for each sitting by the chairman and secretary, and to see that true accounts both of the school and district are kept, and that the affairs of the district generally are conducted in the manner provided by this ordinance, and with a due regard to efficiency and economy; the accounts shall at all reasonable hours be open to the inspection of the ratepayers of the school district;

(8.) Select all the books, maps and globes to be used in the schools under their control from the list of those authorized by the board of education or section thereof;

(9.) Provide, free of cost, out of the funds of the district, books and slates for the use of the children resident within the district and attending school, whose parents are unable, through poverty, to procure the necessary books and slates for them, the right to such books and slates to rest in the school district;

(10.) Provide, when deemed expedient, a suitable library for the school district, making such regulations as to lending and the prevention of loss or damage to the books of such library, as they may think fit;

(11.) Enter into a contract to have a school house built, payment for which may be made in a term of years (not exceeding five years) in annual or semi-annual payments. Such indebtedness not to exceed $500 nor the rate of interest to be more than eight per centum per annum;

(12.) Procure a corporate seal for the district;

(13.) To see that all reports required by this ordinance, or by the regulations of the board of education, are transmitted without delay to the secretary of the board of education;

(14.) To call special meetings for any purpose whatever whenever required to do so by the majority of the ratepayers or the board of education;

(15.) To appoint a returning officer to preside at all elections that may be held or votes that may be taken except as otherwise provided in this ordinance.

OUTHOUSES.

(16.) There shall be separate buildings for privies for boys and girls respectively. The buildings shall be erected in the rear of the school house, at least ten feet apart, their entrances facing in opposite directions, or otherwise effectually screened from each other.

49. The board of trustees of any school may authorize the chairman and treasurer thereof, to borrow from any person or bank, or corporation, such sum of money as may be required to meet the expenditure of the school until such time as the taxes levied therein can be collected; or, in the case of school districts situated within a municipality, until such time as the municipal council can pay the school taxes to the trustees; such authorization shall be by by-law of the board of trustees, and shall be under the seal of the corporation.

50. A majority of the board of trustees shall constitute a quorum at all meetings; provided that in case the number of trustees is reduced to one, that one shall be held to be a quorum until other members are elected.

51. Any person eligible and elected to the office of school trustee, who refuses to serve as such, shall forfeit the sum of twenty dollars, and his neglect or refusal to take the declaration of office within eight days after his election, if resident at the time within the district, shall be construed as such refusal, after which another person shall be elected to fill the place; but no school trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

52. Any person chosen as trustee may resign with the consent expressed in writing of his colleagues in office, but such resignation shall only take effect upon the election of his successor (see form C in schedule annexed hereto), and a continuous non-residence of three months, or conviction of any felony, shall cause the vacation of his office.

53. In all cases of vacancy, another trustee shall be elected at a meeting called by the trustees or trustee remaining in office, and the person so elected shall hold office for the unexpired term of the trustee whom he replaces; provided that if the vacancy is not filled within one month, the lieutenant governor may appoint some qualified person to fill it.

ELECTION OF CHAIRMAN.

54. The school trustees shall meet within ten days after their election for the purpose of choosing a chairman, secretary and treasurer, and transacting such other business as may be required.

(1.) In case of absence of the chairman from any meeting of the board, the then assembled school trustees shall elect one of their number to act in that capacity for the time being, who shall then be vested with the same powers and privileges as the ordinary chairman.

55. In the meetings of the school trustees, all questions shall be decided by the majority of votes and the chairman shall have the right to vote, but in case of an equality of votes, the question shall be decided in the negative.

MEETINGS ILLEGAL UNLESS PROPERLY CALLED.

56. No act or proceeding of a board of trustees shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the corporation, of which notice shall have been given by either one of their body, or the person chosen by them to act as secretary, to all the trustees, and a majority of the trustees at such meeting shall have full authority to perform any lawful business.

DUTIES OF CHAIRMAN.

57. The chairman shall:—

(1.) Have general supervision of the affairs of the district;

(2.) Certify all accounts against the district before such accounts be paid by the treasurer;

(3.) In default of the board of trustees appointing a returning officer, act as returning officer, or appoint some other person to act as such, at all elections or votes that may be taken during the period of his chairmanship.

SECRETARY.

58. The board of trustees, at its first meeting in each year, shall appoint a secretary, whose duty it shall be to:—

(1.) Keep a minute of all the meetings of the board;

(2.) Answer all communications on school matters in such manner as he may be directed by the board;

(3.) Examine the records and register of the school kept by the teacher, and see that they are correct;

(4.) Forward to the secretary of the board of education, from time to time, the reports provided for in sections 46, 59, 60 and 165 of this ordinance, and give such other information in regard to the school district as may be desired from time to time by the lieutenant governor, or the board of trustees, or the secretary of the board of education;

(5.) Have charge of and keep on record all the books, papers, accounts, assessment rolls and other matters, committed to his charge by the board of trustees during his term of office, and deliver the same to the chairman of the board on ceasing to hold office.

59. The secretary of every school shall, within one month of the date of the opening of such school, notify the inspector of such district of the opening of such school and the qualification of the teacher employed; and at same time transmit the teacher's certificate, or a certified copy of the same, in a registered letter, addressed to the secretary of the board of education.

60. The secretary of every board of trustees shall forward to the secretary of the board of education, on the 30th day of May in each year, a report giving the following information, namely:—

(1.) Name of each teacher;
(2.) Class of certificate held by each teacher, and date thereof;
(3.) Salary paid each teacher, per month;
(4.) Number of children attending school, per register;
(5.) If school open for one or two terms;
(6.) Date when school opened for summer term.

TREASURER.

61. By motion of the board, one of the members thereof may, with his consent, be appointed treasurer of the district for the whole or any part of the term for which he was elected to serve, and may be remunerated for his services by a sum not exceeding 2½ per cent on all moneys passing through his hands on account of the district, the proceeds of school debentures excepted.

62. Should it be found inexpedient to appoint a member of the board as treasurer, then the board shall appoint a responsible resident of the district to be treasurer or secretary-treasurer, during the pleasure of the board, at such rate of remuneration as may be agreed upon.

63. Every treasurer shall, before entering upon his duties as such, give security to the school trustees by a bond signed and acknowledged before a magistrate, and such security shall be given by at least two solvent sureties jointly and severally to the satisfaction of the board of trustees and to the amount of any moneys for which the treasurer may at times be responsible, whether arising from the school fund or from any particular contribution or donation paid into his hands for the support or benefit of the school, and such security shall be renewed at the beginning of each year, or renewed at other times or changed whenever renewal or change is required by the board of trustees. Such bond may be in form D, in schedule annexed hereto.

(1.) The chairman of the board of trustees shall obtain from the magistrate a certificate in form E, in schedule annexed hereto, and forward the same to the secretary of the board of education;
(2.) No grant shall be paid without production of such certificate.

64. It shall be the duty of the treasurer to collect, receive and account for all school moneys, whether derived from the government or otherwise, for the purpose of education within the district of which he is treasurer, and to distribute such moneys in the manner directed by the board of trustees, and to keep a record of the same in a book provided for the purpose by the board of trustees, and he shall give and take receipts for all moneys so received and paid out by him, which he shall, when called upon by the auditor appointed under this ordinance or by the board of trustees, produce before said board of trustees or auditor, as also all moneys or accounts in his charge, and shall hand over the same to the board of trustees on his ceasing to hold office.

PENALTIES.

65. If any trustee or other official of a school knowingly signs a false report, or if any teacher keeps a false register, or makes a false return with a view of obtaining a larger sum than the just proportion of school moneys coming to such school, such

trustee, official or teacher shall, for each offence, be liable to a fine of not less than fifty dollars.

66. Any trustee, officer or employee of a school neglecting or refusing to discharge any duty assigned to him by this ordinance, shall, for each offence, be liable to a fine not exceeding fifty dollars.

67. Any trustee, officer or employee of a school who, after his ceasing to hold office, detains any money, book, paper or thing belonging to the school, shall thereby incur a penalty of not less than five dollars nor more than one hundred dollars for each day during which he wrongfully retains possession of such money, book, paper or thing, after having received notice in writing from the chairman of the board of trustees or from the board of education, requiring him to deposit the same in the hands of some person mentioned in such notice.

68. Any returning officer of any school or proposed school, acting under the provisions of this ordinance, who shall knowingly and wilfully prejudice the result of any voting, by preventing votes from being taken or taking unlawful votes, or altering the returns or books in any way or by any other means, shall be liable to a fine of not less than one hundred dollars.

69. Should the trustees of any school wilfully contract liabilities in the name of the district greater or other than as provided in this ordinance, or appropriate any of the moneys of the school for purposes other than are provided in this ordinance, the school, through its proper officers, or the board of education, on its behalf, may recover from such trustees, jointly or severally, the sum or sums for which the district has been rendered liable through the action of such trustees over and above the amount provided in this ordinance, in addition to the total amount of any moneys that have been misappropriated by such trustees.

70. Any person entrusted in any manner with the carrying out of any of the provisions of this ordinance, or qualified to vote at the election of school trustees, shall be competent to institute proceedings under this ordinance, except in cases where it is specially provided to the contrary.

71. All fines, penalties and forfeitures mentioned in this ordinance may be sued for, recovered, and enforced, with costs, by and before a justice of the peace; and if any such fine or penalty and costs be not forthwith paid, after conviction or order made, the same shall, by and under the warrant of the convicting justice, be enforced, levied and collected, with costs of distress, and sale of the goods and chattels of the offender, and in default of such distress, such justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, be sooner paid.

(1.) Such imprisonment shall not discharge the personal liability of the defendant.

72. All moneys accruing from fines or penalties under this ordinance shall belong to the general revenue fund of the North-west Territories.

SCHOOL DISTRICT MAY BE DISORGANIZED.

73. On receipt of a report from the board of education that any organized school has failed to open and keep open a school for at least six months, and advising that the same be disorganized, the lieutenant governor may by proclamation, declare that, on and after a day therein to be named, such school district shall be disorganized, and thereupon the same shall cease to have or enjoy any of the rights, powers or privileges vested in such corporations by this ordinance; and in the event of any debts having been incurred by such corporation prior to its disorganization, and which remain unpaid, the lieutenant governor shall appoint one or more persons, who shall have full power and authority to adjust and settle all claims against such school and to assess, levy and collect, in the same manner as assessors and collectors are authorized to do by this ordinance, such sum or sums of money as may be required to pay off such indebtedness and all expenses connected therewith, including his or their remuneration as fixed by the lieutenant governor.

TEACHER.

74. Within two months after the election of trustees in a newly organized school, they shall engage a qualified person as school teacher for such term, not being more than one year, and at such salary as may be agreed upon.

75. It shall be the duty of the teacher to:—

(1.) Preside over and maintain good order in the school;

(2.) Teach from such books as may be ordered or permitted by the trustees, from list of books authorized by the board of education, or sections thereof, and only such;

(3.) Hold a public examination of the classes in the school at least once in each term;

(4.) Admit trustees, school inspectors, parents of children attending, or ratepayers of the district to the school room at any time;

(5.) Report to the trustees, from time to time, on the necessities of the school and the behaviour of the children attending it;

(6.) Punish children for misbehaviour, inattendance or disobedience, in such manner as the trustees may permit or direct;

(7.) Keep a true register of the school, according to the forms supplied by the board of education, make affidavit required by regulations of the board, and inquire into and record all cases of tardiness and absence of pupils;

(8.) To keep the school registers with care, and to call the roll and mark the attendance and absence of the pupils, previously to beginning the regular school work, each morning and afternoon;

(9.) To keep a time table, showing the classification of the pupils, the subjects taught in each class, the hour of the day, and the day of the week, when each subject is taught, and the intervals allowed for recess during school hours;

(10.) To keep a "visitor's book," provided by the board of education, and to enter therein the visits made to the school, and to allow any visitor who so chooses to make therein any remarks suggested by the visit;

(11.) To see that the school room is kept clean and well ventilated, and to observe that the closets belonging to the premises are kept in a cleanly condition;

(12.) To report to the secretary of the trustees any needful repairs to the school building or furniture;

(13.) To keep an inventory of the school materials and furniture, and to report any deficiency in the stock from time to time;

(14.) To observe that there is no scarcity of fuel for school purposes during the winter months, and to exercise due economy in the use of the same;

(15.) To render assistance to the secretary of the trustees in making the required reports and returns to the lieutenant governor or the board of education or the inspector of schools;

(16.) To have the custody of the school premises, and to deliver up the key when required to do so by the school trustees;

(17.) To report to the secretary of the trustees, immediately it comes to his knowledge, the presence of any infectious or contagious disease among the pupils and to faithfully carry out the wishes of the trustees in respect to it;

(18.) The teacher of a school may be secretary of the trustees, but not treasurer.

76. In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness for a period not to exceed four weeks for the entire year, which period may be increased by the board of school trustees, provided that such trustees employ a legally qualified person to supply his place during sickness.

CONDUCT OF SCHOOL.

77. School shall be held between nine o'clock and twelve o'clock in the forenoon, and half-past one o'clock and four o'clock in the afternoon of every day, not including Saturdays, Sundays, and statutory holidays, but the school trustees may shorten the school hours, or recess, in the winter time.

78. The school year shall be divided into two terms, a winter term and a summer term:—

(1.) The winter term shall begin on the first day of November and end on the thirty-first day of March in each year;

(2.) The summer term shall begin on the first day of April and end on the thirty-first day of October in each year.

79. A recess of fifteen minutes in the forenoon and in the afternoon may be allowed the children attending school, at the pleasure of the board of trustees.

80. There may be one month's holidays during the summer term, in either the months of July or August, at the discretion of the trustees; but before the 1st of July in each year the trustees shall notify the inspector of their school of the date and duration of the holidays.

81. There shall be two weeks' holidays during the winter term, viz., the two weeks following the 23rd day of December in each year.

82. Good Friday, Easter Monday, Arbor Day, the Birthday of the reigning Sovereign, Dominion Day, Thanksgiving Day, and any day specially appointed as a holiday by the governor general, the lieutenant governor of the North-west Territories, the mayor of a city or town, or the chairman or mayor of a municipality, shall be holidays; and it shall be at the discretion of the trustees to permit any other holidays, not exceeding one day at a time.

83. All schools shall be taught and instruction given in the following branches, viz.: Reading, writing, orthography, arithmetic, geography, grammar, history of England and Canada, English literature, and such other studies as may be deemed necessary, may be authorized by the trustees of the district. Instructions shall be given during the entire school course in manners and morals and the laws of health, and due attention shall be given to such physical exercises for the pupils as may be conducive to health and vigour of body, as well as mind, and to the ventilation and temperature of school rooms.

84. No person shall be admitted into, or continue in, any school as a pupil, if he be afflicted with, or have been exposed to, any contagious disease, until all danger of contagion shall have passed away, as certified in writing by a medical man, or other authority satisfactory to the teacher.

GRANTS MAY BE WITHHELD.

85. Any school, the officers of which shall knowingly allow such school to be taught or conducted in violation of the provisions of this ordinance or of the regulations of the board of education, or sections thereof, shall forfeit all right to participate in any of the grants provided by this ordinance to aid the schools of the Territories, and, upon satisfactory evidence of such violation, the board shall withhold all such grants.

RELIGIOUS INSTRUCTION.

86. No religious instruction, such as bible reading, or reciting, or reading or reciting prayers, (except as hereinafter provided), or asking questions or giving answers from any catechism, shall be permitted in any public school in the North-west Territories, from the opening of such school at nine o'clock in the forenoon, until the hour of three o'clock in the afternoon, after which time any such instruction, permitted or desired by the trustees, may be given.

(1.) Schools may be opened each morning with prayer with the consent of the trustees, who shall approve of the form of prayer to be used.

87. Any child attending any school whose parent or parents or guardian is or are of the religious faith different from that expressed in the name of such school district, shall have the privilege of leaving the school room at the hour of three o'clock in the afternoon, or of remaining without taking part in any religious instruction that may be given, if the parents or guardian so desire.

88. It shall be unlawful for any teacher or school trustee to, in any way, attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school, and such action on the part of any school trustee,

inspector or teacher, shall be held to be a disqualification for and voidance of the office held by him or her.

NO FEES CAN BE CHARGED RATEPAYERS.

89. No fee shall be charged by the trustees of any school on account of the attendance of any children, whose parents or guardians are ratepayers of such school, at the school thereof; but a rate not exceeding five cents per day, payable in advance, may be charged for any children whose parents or guardians are not ratepayers to such school.

INSPECTOR OF SCHOOLS.

90. It shall be the duty of the inspector to—

(1.) Visit at least once in each term the schools under his charge, and examine the pupils in the different classes as to proficiency in their studies;

(2.) At the desire of the trustees of any school, examine a teacher possessing no certificate, and employed or proposed to be employed by such trustees as to his proficiency in the subjects he is expected to teach, and as to his methods of teaching;

(3.) Report from time to time to the board of education as to the efficiency, methods and usefulness of the schools under his charge, and also, when deemed advisable, to the trustees of the different schools;

(4.) To inspect other schools at the pleasure of the board of education;

(5.) To observe that no books are used in any school but those selected from the list of books authorized by the board of education or sections thereof;

(6.) To assist at the examination of teachers if requested by the board of education;

(7.) At the close of each inspection tour to make a full report of his inspection of every school to the board of education, and to particularize in each report, name of school, name of teacher, his certificate, number of school children on the register, number present on day of inspection, remarks on proficiency of pupils, special remarks, if any, state of school buildings and premises, state of school apparatus, general tone of school;

(8.) Keep a diary of his inspection tour and expenses;

(9.) Inspect and endorse, if practicable, all reports which are sent through him to the board of education;

(10.) Grant provisional certificates to competent applicants recommended by trustees of schools and require such applications to be in the applicant's own handwriting;

(11.) Upon a visit to a school to inspect the school register, and to write his name and the date of his visit upon the line immediately after the last name on the roll;

(12.) To observe if the school register is systematically kept;

(13.) To inspect the school buildings and premises, and to suggest to the trustees any alterations he may deem necessary for the comfort, accommodation and health of the scholars;

(14.) To inspect the school time-table, and to endorse his approval upon it if satisfactory;

(15.) To make the time-table the basis of his examination of the classes;

(16.) To inspect the visitors' book, and to write therein a general report of the condition in which he found the school;

(17.) To endorse all teachers' certificates in accordance with the regulations of the board.

AID TO SCHOOLS.

91. Every school organized or continued under this ordinance, shall receive aid from the school fund, as follows:—

(1.) Grants on account of teachers' certificates to all schools having a daily average attendance of at least six pupils: (*a*) An annual grant of $200 to

every school employing a teacher, male or female, holding a provisional certificate from the board of education; (*b*) An annual grant of $250 to every school employing a teacher, male or female, holding a third class certificate from a normal school or from the board of education; (*c*) An annual grant of $300 to every school employing a teacher, male or female, holding a second class certificate from a normal school or from the board of education; (*d*) An annual grant of $350 to every school employing a teacher, male or female, holding a first class certificate from a normal school or from the board of education.

(2.) Grants on account attendance: (*a*) A grant of $2 per child to every school whose average attendance is at least six, for every child who has attended school ninety school days, where the school is open during the summer term. This grant not to exceed $100 to any school; (*b*) A grant of $1.50 per child to every school whose average attendance is at least six, for every child who has attended school fifty school days, where the school is open during the winter term. This grant not to exceed $75 to any school.

(3.) Grant on account of inspector's report on school; (*a*) An annual grant of an amount, not exceeding the total amount of the capitation grant for the attendance of children, to every school upon which the inspector reports favourably.

(4.) Grants on account of additional teachers: (*a*) To every school where the average daily attendance exceeds thirty, a grant on account of the teacher's certificate as provided in subsection (1) of this section, for an assistant teacher; (*b*) To every school where more than one assistant teacher is employed, a grant on account of the teacher's certificate as provided in subsection (1) of this section, for every assistant teacher employed after the first, where the average daily attendance shall be at least twenty for each teacher, the principal teacher included.

PAYMENT OF GRANTS.

92. The lieutenant governor, on receipt of a return as per form F, in schedule annexed hereto, shall pay the grant on account of teacher's certificate to the treasurer of the district, quarterly, immediately after the thirty-first March, thirtieth June, thirtieth September and thirty-first December, in each year; and the grants on account of attendance and inspector's reports shall be paid to the treasurer of the school district, annually, as soon as practicable after the thirty-first day of October in each year.

93. When the school is only open for one term, the school is entitled to a proportion of the grant for the teachers' certificates, calculated according to the months during which the school was open.

ASSESSMENT.

94. Where a school is situated within a municipality, the trustees may, as soon as may be after the final revision of the assessment roll of the municipality, make a demand on the council of such municipality for the sum required for school purposes for the then current year; but such sum shall not exceed an amount equal to ten mills on the dollar, according to the last revised assessment roll, on the property liable to assessment in such school district for ordinary school purposes, with such additional amount as may be necessary to meet any debenture indebtedness that may have been incurred and becoming due.

95. When property owned by a protestant is occupied by a Roman catholic and *vice versa*, the tenant in such cases shall only be assessed for the amount of property he owns, whether real or personal, but the school taxes on such property shall in all cases, whether or not the same has been or is stipulated to the contrary, in any deed, contract or lease whatever, be paid to the school to which such owner is a ratepayer.

96. Whenever property is held jointly, as tenants, or tenants in common, by two or more persons, the holders of such property being protestants and Roman

catholics, they shall be deemed and held accountable to the board or boards of trustees for an amount of taxes in proportion to their interest in the premises, tenancy or partnership respectively and such taxes shall be paid to the school to which they respectively are ratepayers.

97. If a school be situated partly within two or more municipal corporations, then the board of trustees may make a demand upon each of such corporations, for that proportion of the amount of money required by such school which may justly be demanded by such school according to the amount of property included within the limits of the district, and situated within the limits of such municipality; or the trustees may themselves, or by means of an assessor, levy an assessment as provided in this ordinance.

98. The trustees of any school or an assessor whom they may appoint, as soon as may be in each year shall prepare an assessment roll for the school, in which shall be set down, according to the best information to be had, a list of all the taxable property for their school in the district, with the names of the occupants and and owners, if such can be procured, and such list shall contain in one line, but in different columns, the following information:

(1.) Name of occupant or person in possession, (If there be no occupant, a statement to that effect); (*a*) Religion of occupant; (*b*) Sex; (*c*) Age; (*d*) Occupation; (*e*) Place of residence;

(2.) Name of the owner, if it can be ascertained. (If owner's name be unknown, such particulars concerning ownership of property as may be known); (*a*) Religion of owner; (*b*) Sex; (*c*) Age; (*d*) Occupation; (*e*) Place of residence.

(3.) Description of real property in occupation of each person: (*a*) Part and number of section, township, range and meridian, or number and description of lot in special survey, or number of lot, house or other particulars of each parcel; (*b*) Improvements in cultivated land (*giving area*), and buildings (*giving size*), on each parcel; (*c*) Area in acres or feet of each parcel; (*d*) Value of each parcel; (*e*) Total value of real property.

(4.) Description of taxable personal property: (*a*) Taxable personal property, other than income, with particulars; (*b*) Value of such personal property; (*c*) Taxable income; (*d*) Total value of personal property, including taxable income.

(5.) Total value of taxable real and personal property.

99. "Land," "real property" and "real estate," respectively, shall include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form, in law, part of the reality, and all trees or underwood growing upon the land, and all mines, minerals, quarries, fossils in and under the same, except mines belonging to her majesty.

(1.) "Personal estate" and "personal property" shall include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock, money, notes, accounts and debts, at their actual value, income and all other property, except land and real estate and real property, as above defined, and except property herein expressly exempted;

(2.) "Property" shall include both real and personal property, as above defined;

(3.) "Ranche" shall mean land held under a grazing lease from the Dominion government.

PROPERTY LIABLE TO TAXATION, WITH EXEMPTIONS.

100. All real and personal property situated within the limits of any school district, or income derived by any person resident within the limits of such district, and wherever any portion of a ranche and the headquarters of such ranche are within the limits of any school district, the whole of the personal property belonging to the lessee of such ranche, on the same, shall be liable to taxation, subject to the following exemptions:—

(1.) All property held by her majesty or specially exempted by the parliament of Canada or for the public use of the government of the Territories;

(2.) All property held by or in trust for the use of any tribe of Indians or the property of the Indian department;
(3.) Where any property mentioned in the preceding clauses is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable;
(4.) The grounds and buildings of all public schools, universities, collegiate institutes or incorporated seminaries, being public property, so long as such property is actually used or held for educational purposes;
(5.) All property belonging to the school when held and occupied or in the use of the corporation and the personal property belonging to the same;
(6.) Jails and court houses and the necessary land attached thereto;
(7.) Churches and the land on which they stand, not exceeding one acre;
(8.) The property of every public library;
(9.) The income of a farmer derived from his farm and the income of merchants, mechanics and other persons derived from capital liable to taxation;
(10.) So much of the personal property of any person as is invested in the debentures or bonds of any municipality or school district within the territories;
(11.) Personal property to the extent of three hundred dollars;
(12.) Grain *in transitu,* household effects of every kind, books and wearing apparel;
(13.) The increase in the value of the land by reason of the cultivation thereof, together with the growing crops;

101. A person occupying property or deriving income not liable to taxation, may compel the assessor, on written demand, to assess him for such property or income in order that he may thereby be qualified for voting or holding office.

ASSESSMENT OF REAL AND PERSONAL PROPERTY.

102. Land and personal property shall be assessed against the person in occupation or possession thereof, unless when in the case of a non-resident owner, such owner shall in writing require the assessor to assess him alone for such property. But the person assessed shall in all cases, unless there is a stated agreement to the contrary, have summary recourse against such owner for the amount of taxes paid.

103. Taxes may be recovered either from the owner or occupant.

104. Where more persons than one are joint tenants or tenants in common, or holders of any property, they, or any number of them, shall be assessed for the whole of such property, subject always to the provisions of section 96 of this ordinance, and such assessments may be levied upon any one or more of them, saving always the recourse of such persons against the remaining holders, tenants or owners.

105. Real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor.

106. Land held in actual use and not for purposes of sale, shall be appraised at the value which it is reasonably worth for the purposes for which it is in use.

107. Any person may be required by the assessor to deliver to him a written statement of all property for which he is liable to be assessed, with such other information as to owner, occupant, location and value, or other necessary particulars as may be demanded, and if he fails to do so or knowingly makes any false statements, such person shall, upon complaint of the assessor and upon conviction before a justice of the peace forfeit and pay a fine of twenty dollars, to be recovered in like manner as other penalties upon summary conviction before a justice of the peace.

108. The assessment roll shall be completed by the first day of April in each year, and the assessor shall, before handing the roll over to the secretary of the board of trustees, make affidavit (which shall be inscribed upon the roll) before a justice of the peace, that the statements contained therein are correct to the best of his knowledge and belief, after making due inquiry in each case.

COURT OF REVISION.

109. On receipt of the assessment roll by the secretary of the board of trustees, in form as hereinbefore provided, he shall file the same, and at all convenient office

hours shall keep it open to the inspection of all persons resident, or owning, or in the possession of property, or in the receipt of incomes within the district, for at least the space of two weeks and until the sitting of the court of revision.

110. As soon as the assessment roll shall have been completed and filed as hereinbefore provided, the secretary of the board of trustees or the assessor shall notify in writing, by post or otherwise, every person whose name appears upon such roll and whose address is known, as follows:—

SCHOOL DISTRICT OF
SIR (OR MADAM):— day of 18

You are hereby notified that your name appears on the assessment roll of this school district for the present year as the owner (or occupant) of the following property: (*Then give description of property and assessed value.*) The board of trustees for the district will sit as a court of revision, as follows: (*Mention day, hour and place at which court shall be held*), and if you consider that you have been wrongfully assessed as above stated, you will have an opportunity to make a statement of your case before the above court.

Take notice that if you do not appear before this court of revision, you will not be entitled to appeal from its decision to the supreme court of the judicial district in which said school district is situated.

.....
Secretary Board of Trustees.

(or.....
Assessor.

To.....

111. The board of trustees shall cause to be posted up in at least five conspicuous places within the district, a notice that the assessment roll of the district for the current year has been made up, and where it may be examined, also the time and place at which the court of revision will be held, with a notice that such parties as do not appear before the court of revision will not be entitled to appeal from the decision of the court of revision to the supreme court of the judicial district in which such school district is situated.

112. The board of trustees of any school shall sit as a court of revision not less than fifteen or more than thirty days from the filing of the roll, and shall hear all complaints that may be entered up to the end of the day so appointed, and may adjourn from day to day until such complaints have been disposed of, but complaints entered after the day mentioned may or may not be recognized by such court of revision.

113. Such court of revision shall have power to take evidence under oath, if necessary, either on behalf of the appellant or the school district, and shall alter or amend the assessment roll as to them shall seem to be in accordance with what is just and right.

114. If a person be dissatisfied with the decision of the court of revision, he may appeal therefrom to a judge of the supreme court, and the provisions, with respect to similar appeals in municipal matters, as provided by "The Municipal Ordinance of 1885," and amendments thereto, are hereby incorporated and form part of this ordinance.

RATE OF ASSESSMENT.

115. So soon as the assessment roll has been finally revised by the board of trustees, as aforesaid, they shall make an estimate of the probable expenditure of the school for the current year, and shall strike such a rate of assessment on the assessed value of the taxable property within the district, for the school they represent, as shall be sufficient to meet such probable expenditure, making due allowance for charges and probable loss in collection:—

(1.) Such rate shall not exceed ten mills in each dollar of property liable to taxation for ordinary school purposes, with such additional rate per dollar as may be necessary to meet any debenture indebtedness that may have been incurred by such school district on the terms upon which it was incurred.

COLLECTION OF RATES.

116. The board of trustees shall cause to be made out a collector's roll for the school, on which shall be set down the name of every person assessed, the assessed value of his real and personal property, and the amount with which such person is chargeable, according to the rate of taxation struck in respect of sums ordered to be levied by the board of trustees, with any other particulars that may be necessary, and such roll shall be placed in the hands of the treasurer for collection.

117. As soon as the treasurer shall have received the collector's roll he shall remit or cause to be remitted, by mail or otherwise, to each person whose name appears upon it as assessed for taxes, a notice in the following form:

School district of day of 188

SIR (or MADAM).—You are hereby notified that you are assessed on the assessment roll of this district for the following properties: (here give description and assessed value) the taxes on which, at the rate of on the dollar, amounts to

If the above amount is not paid to the undersigned within thirty days from the date of this notice, action to recover, as provided by law, will be taken.

....

Treasurer.

To..... .....

118. The treasurer shall give receipts on behalf of the school district for all taxes paid to him, and shall enter the fact of such payment, with the date, on the collector's roll.

119. As soon as judgment has been given in the case of an assessment appealed to the supreme court, the trustees shall alter, amend or erase from the assessment and collector's rolls in accordance with such decision.

120. The treasurer shall notify the board of trustees from time to time, the names of persons who fail to pay the taxes assessed against them, and the board of trustees shall take, or authorize to be taken, such action for the collection of such taxes as is hereinafter provided in this ordinance.

121. In case any person fails to pay the taxes assessed against him, during the thirty days notice, provided in section 117 of this ordinance, the treasurer may, by himself or his agent, levy the same with costs, by distress of the goods and chattels of the person against whom the same is assessed, situated within the school district, or of any goods or chattels found upon the premises assessed, the property of or in the possession of any other occupant of the premises, and the costs chargeable shall be those payable to sheriffs.

122. The treasurer shall by advertisement, posted up in at least three public places in the school district, wherein the sale of goods and chattels distrained is to be made, give at least six days' public notice of the time and place of such sale and of the name of the person in payment of whose taxes the property is to be sold, and, at the time named in the notice, the treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes assessed with all lawful costs up to the close of sale.

123. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, it shall be returned to the person in whose possession the property was when the distress was made.

(1.) If any such claim is made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant;

(2.) If the claim is contested, such surplus money shall be paid over by the treasurer of the district to the clerk of the supreme court within whose jurisdiction such school is situated, who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

124. If the taxes payable by any persons cannot be recovered in any special manner provided by this ordinance, they may be recovered, with interest and costs as a debt due to the school, in which case the production of the collector's roll or a copy of so much thereof as relates to the taxes payable by such person, certified as a true copy by the secretary of the school, shall be *prima facie* evidence of the debt.

125. The treasurer shall, on or before the first day of October in each year return the collector's roll to the secretary of the board of trustees, with an account of all moneys received by him, accompanied by an affidavit, made before a justice of the peace, that the collection and other proceedings have been taken in accordance with the terms of this ordinance, and that all the returns contained therein are correct.

126. The treasurer shall at the same time make a return, certified by affidavit, as provided in the next preceding section, of all property upon which the taxes, or any portion thereof, remain unpaid, and the reason of the failure of such payment.

(1.) A copy of such return shall be kept on file by the secretary of the school district, and shall be open to inspection of the ratepayers of the district or their agents.

127. The taxes accrued on any land or property shall be a special lien upon such land or property, having preference over any claim, lien, privilege or incumbrance of any party, except the crown, and shall not require registration to preserve it, and shall bear interest at the rate of 5 per cent, from the time of the return of the collector's roll to the secretary.

128. Such accrued taxes shall be entered upon the assessment roll of the district against such property, from year to year, and shall be held to be payable, if not otherwise collected, at the same time and in the same manner as the ordinary taxes of the year.

129. Whenever the treasurer is satisfied, or is notified by the board of trustees that there is sufficient distress upon any real property within the district which is in arrears for taxes, he shall proceed to levy the amount due in the manner and under the same provisions as are contained in section 121 of this ordinance.

130. When a portion of the tax on any land has been due for more than two years preceding the current year, the secretary shall prepare a list, to be headed "List of lands to be sold for taxes," which shall be in duplicate, of all the lands against which arrears of taxes remain unpaid, showing the amount of such arrears against each lot, parcel or subdivision, and all other lawful charges standing against such land on account of such arrears of taxes, and the secretary shall certify to the correctness of such lists. One of the said lists shall be delivered to the sheriff of the judicial district, within which the school is situated, with a warrant thereto annexed, signed by the chairman, commanding such sheriff to levy and collect such arrears with costs.

131. The sheriff shall endorse on such list the date of the receipt thereof by him, and give a receipt therefor to the secretary; and thereafter the collection of such arrears shall belong to the sheriff alone, and he shall receive payment of such arrears in whole; in no case shall he receive a part thereof unless satisfactory proof be produced of previous payment, or that an erroneous charge has been made in whole or in part, and a resolution of the trustees authorizing him so to do, and he shall give a receipt for such payment, specifying the amount, for what years the description of the lot or parcel of land, and the date of payment.

PROCEEDINGS FOR SALE OF LANDS FOR TAXES.

132. The sheriff shall cause to be published for eight consecutive weeks, in a weekly newspaper, published in or nearest to the district, a copy of the said list, with a notice stating when and where the said lands are to be sold; and shall cause

to be posted up in at least five conspicuous places in the school district (one of which shall be the post office in or nearest to the district) similar copies of said list and notice.

133. The sheriff shall, within one month after the last publication of the sale, as hereinbefore provided, proceed to sell the lands by public auction, and the lands shall be offered for sale in lots or parcels, as the case may be, against which the arrears of taxes, together with costs and charges, stand.

134. Where the title to any land sold for arrears of taxes is in the crown, the deed therefor, in whatever form given, shall be held to convey only such interest as the crown may have given or parted with, or may be willing to recognize or admit that any person possesses under any colour of right whatever; and the school district on whose behalf any land shall be sold for arrears of taxes as aforesaid, shall, in case of any such sale being declared invalid, be liable only for the purchase money actually paid therefor to the school district, and interest thereon as for damages or otherwise.

135. It shall not be the duty of the sheriff to make enquiry before effecting the sale of land for taxes, to ascertain whether or not there is any distress on the land, nor shall he be bound to enquire into nor form any opinion of the value of the land.

136. The sheriff shall offer each lot or parcel of land separately, and shall state the whole amount due on said lot or parcel, and shall sell the whole or so much as is necessary to the party who pays the whole of the amount due on account of said arrears, costs and charges.

137. The land adjudged to be sold by the sheriff under this ordinance shall be, commencing at the southeast corner, and shall conform as nearly as may be to the shape and number of acres in the lot or parcel of land offered for sale, and shall include the buildings or other improvements thereon, and when the land has been subdivided into lots, if the whole lot is not sold the amount adjudged to be sold shall be a strip off the whole southerly side of said lot, and shall include the buildings or other improvements thereon.

138. All sales of lands for taxes shall take place and be holden within the limits of the school district, where the land to be sold is situated, unless otherwise directed by the lieutenant governor in council.

139. The owner or agent of any land may pay the arrears with costs and charges against the same, at any time before the same are sold.

140. The sheriff may adjourn the sale from time to time, but at the time of such adjournment shall publicly state at what time the sale shall be resumed.

141. If the purchaser of any land fails immediately to pay the arrears, costs and charges against any land, the sheriff shall forthwith put up the property for sale.

142. The sheriff, after selling any lands for taxes shall give a certificate under his hand to the purchaser, stating what part of the land has been sold, describing the same as in notice of sale, the quantity sold, the sum for which it has been sold, and further stating that the land so sold will be conveyed by the sheriff to the purchaser or his assigns, on his or their demand, at any time after two years if the same be not previously redeemed.

143. The purchaser shall, on receipt of the sheriff's certificate, become the owner of the land, so far as to have all the necessary rights of action and powers for protecting the same from spoliation or waste until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber upon the land or otherwise injure the land, nor shall he do so himself, but he may use the land himself without deteriorating its value, provided that the purchaser shall not be liable for damage done to the property without his knowledge.

144. The owner, or his agent appointed by him in writing, may redeem any land sold by the sheriff for arrears of taxes at any time after the sale thereof, and before the expiration of two years, by paying to him the full amount for which the land was sold and interest thereon at the rate of twenty per centum per annum, to be computed from the date of sale, and an additional commission to the sheriff of two and one-half per cent.

145. From and after the payment to the sheriff of the amount of redemption money as aforesaid, the purchaser shall cease to have any further rights in or to the lands in question.

146. The purchaser shall be entitled to receive the full amount of purchase money from the sheriff for the land so redeemed, together with interest to be computed at the rate of twenty per cent per annum, from the date of the certificate, given to him by the sheriff, to the date of the redemption.

147. If the land be not redeemed within the period allowed for its redemption, being two years from the date of sale, exclusive of that day, then on demand of the purchaser or his assigns or other legal representatives, at any time afterwards and on payment of two dollars, the sheriff shall prepare and execute and deliver to him or them a deed in duplicate of the land sold.

148. Such deed shall be in the form, or to the same effect, as in form G, in schedule annexed hereto, and shall state the date and cause of sale and the price, and shall describe the land according to the description in the certificate, and such deed shall have the effect of vesting the land in the purchaser or his heirs and assigns or other legal representatives in fee simple, and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrears or any error in describing the land.

149. The sheriff shall, within one month after the receipt of any money on account of arrears of taxes, pay the same to the treasurer of the school on whose account the money was received.

150. The sheriff, in addition to the fees, commissions and charges for selling, shall be entitled to receive a commission from the school of two and one-half per cent on all moneys collected on account of arrears of taxes, and may deduct the same from any money remaining in his hands to the credit of the school.

INCURRING DEBT.

151. Should it appear desirable to the board of trustees of any school that a sum of money should be borrowed upon security of the district for the erection, purchase or improvement of a school building or buildings, or for the purchase of suitable play grounds for the children attending the school or schools of the district, they shall pass a by-law to that effect, as per form H in schedule annexed hereto, or to the like effect, and before proceeding to borrow such sum of money, shall receive the sanction of a majority of the votes of the ratepayers of the school or schools by taking a vote thereon as hereinafter provided.

152. The board of trustees shall give notice, as per form I in schedule annexed hereto, or to the like effect, of the polling, by notices displayed in at least ten conspicuous places throughout the district, at least twenty days before the polling, and by advertisement for the same length of time, once each week, in the newspaper published nearest the school district.

153. A certified copy of the notice of polling shall be forwarded forthwith to the lieutenant governor by the secretary of the board of trustees.

154. The chairman of the board of trustees shall be returning officer, and shall act as hereinafter provided.

155. The returning officer shall:—

(1.) Provide himself with a book, suitably ruled and headed, for the purpose of recording the vote cast, in which shall appear, in separate columns, but in one line, the name and sex of each voter, the description of the property voted upon, remarks, whether voter sworn or refused to be sworn, and the vote cast, whether "yea" or "nay" to the purpose specified in the notice of voting;

(2.) Keep posted in a conspicuous place at the place of polling, a copy of the notice of voting;

(3.) Appear at the place on the day and at the hour mentioned in the notice of voting, and continue there during the hours mentioned in such notice;

(4.) Question, either personally or by an interpreter, in the voter's own language, if necessary, every person presenting him or herself to vote, as to

name and location, or description of property, and record the answers given in the poll book;

(5.) If required by any person present or of his own accord, if deemed advisable, administer the following oath, which shall express the qualification of voters:

I do solemnly swear that I am a *bona fide* ratepayer of (give name of district in full); that I am of the full age of twenty-one years; that I am not an unenfranchised Indian; that I have not voted before at this election, and that I have not received any reward, either directly or indirectly, nor have I any hope of receiving any reward for voting at this time and place. So help me God.

(6.) If the voter is not required to be sworn, or if he takes the oath when required, ask him in an audible voice in the language spoken by him (either personally or through an interpreter) whether he votes for or against the purpose expressed in the notices of voting, and record his answer in the column headed "yea" or "nay" according to the expressed wish of such voter;

(7.) Admit any two persons who have respectively voted "yea" and "nay" into the polling place, to act as scrutineers, and on demand, allow either or both of them to see any vote recorded in the book;

(8.) At the hour appointed in the notice of voting, sum up the votes cast and declare the result;

(9.) In the case of a tie after the final recount, give a casting vote;

(10.) Announce the day, being within seven days of the day of voting, when, and the place where, he will appear before a justice of the peace for a final recount of votes, and when all complaints against the conduct or result of the voting will be heard.

156. On appearing before the justice of the peace at the time and place appointed, the returning officer shall place in the hands of such justice the poll-book used by him at the poll, and shall make an affidavit before the justice, which shall be inscribed upon such book, that the election has been conducted throughout in the manner provided by this ordinance (or with such exceptions as he shall mention) and that the returns contained therein are correct.

(1.) The justice shall then receive and record in writing any complaint that may be made under oath by any parties relative to the conduct of the voting, and shall examine into and decide such complaints by taking evidence under oath.

157. Before proceeding to the hearing of any complaint, the justice shall require the complainant to deposit with him such sum, not being less than twenty-five nor more than one hundred dollars, as may seem necessary to him to cover the costs of the hearing of the complaint, which costs shall be paid according to the decision of such justice.

158. The decisions of the justice shall be as follows:—

(1.) If it be found that the proceedings in taking the vote have been irregular in any essential particulars and that injustice has thereby been done, it shall be declared of no effect, and the justice shall forthwith forward to the lieutenant governor a full report to that effect;

(2.) If it be found that any vote has been cast by any person not duly qualified to vote, or on account of bribery or intimidation, it shall be struck off the poll book.

159. When all complaints have been heard and decided upon and the corresponding alterations duly made in the poll book, the justice shall finally sum up the votes cast and shall forward to the lieutenant governor a return as per form K in schedule annexed thereto, or to the like effect, showing the total number of votes taken, and the number remaining on each side after the recount.

160. If it is desired to appeal from the decision of the justice, such appeal must be made in the manner provided in chapter 178 of the Revised Statutes of Canada, sec. 77.

161. Upon receipt of the return mentioned in section 159, and upon being satisfied that the several conditions, required by this ordinance, have been complied with, the lieutenant governor shall, in writing, empower the trustees to borrow the sum or sums of money mentioned in the by-law, and shall publish the same in the *Official Gazette* of the North-west Territories; and the assent of the lieutenant governor, published as aforesaid, to any such loan, shall be conclusive evidence that all the necessary formalities have been complied with, and that such loan is one which such school may lawfully make.

162. All money borrowed under this ordinance shall be borrowed by debenture, except as hereinbefore provided by this ordinance.

(1.) The total face value of the debentures issued shall not be for a greater sum than one-tenth of the total assessed value of the real and personal property within the district, according to the last finally revised assessment roll of the district;

(2.) Debentures shall not run for a longer term than twenty years if the school buildings be built of brick or stone, and shall not run for a longer term than ten years if the buildings be of frame or log;

(3.) Debentures shall be of the form following, or to the like effect:

(Give full corporate name of school) $ Debenture no.

The trustees of (give full corporate name) promise to pay the bearer, at the at the sum of dollars of lawful money of Canada, in equal annual instalments from the date hereof, with interest at the rate of.... per cent per annum on the terms and in the amounts specified in the coupons attached hereto.

.....

Chairman or Acting Chairman.

.....

Trustee.

Dated this day of 18 .

.....

(*Coupons.*)

Coupon no.

Debenture no.

The board of school trustees of will pay to the bearer at the bank at on the day of 188 , the sum of dollars, being the payment with the total interest at the rate of per cent per annum, due on that day on school debenture no.

.....

Chairman (or Acting Chairman.)

.....

Trustee.

(4.) Debentures shall not carry interest at a greater rate than eight per centum per annum.

163. The trustees of any school having received notice from the lieutenant governor, authorizing them to contract a loan as hereinbefore provided, shall issue debentures therefor in the form set forth in subsection 3 of the next preceding section to secure the amount of the principal and interest of such loan, upon the terms specified in the by-law before mentioned, and said debentures and the coupons thereof shall be sufficient, when signed by two of the trustees of the school to bind such school, and to create a charge or lien against all school property and rates in the school for which such loan is made.

164. All debentures shall, on redemption, be marked "cancelled" and signed by the secretary of the board of trustees, across the face thereof.

165. All debentures, before being issued, shall be sent for registration to the secretary of the board of education, who shall keep a book in which shall appear:

(1.) The name and number of each school district issuing debentures;
(2.) The amount of debenture indebtedness incurred by such district from time to time;
(3.) The purposes for which the indebtedness was incurred, with particulars of the amount for each specific purpose;
(4.) The date of redemption of each debenture.

TEACHERS' CERTIFICATES.

166. No certificate shall be given to any person as a teacher who does not furnish satisfactory proof of good moral character.

167. Every teacher's certificate of qualification shall have the signature of a member of the board of education, and be registered by the secretary of the board.

PROVISIONAL CERTIFICATES.

168. Provisional certificates will be granted to teachers not holding normal school or any class of certificates, on their sending the following information to the inspector of schools for the district in which they desire to teach, viz.:—

(1.) A recommendation from the board of trustees of the school;
(2.) Evidence of good moral character;
(3.) Satisfactory evidence as to competency;
(4.) An application for the certificate in the applicant's own handwriting;
(5.) Provisional certificates shall only remain in force for one year from the date of issue, but shall lapse sooner if the holder shall fail to pass the examination for a 3rd class certificate held during the year;
(6.) No provisional certificate shall be issued after the first day of January, 1889.

ANNUAL SCHOOL MEETING.

169. An annual meeting of the ratepayers of every school district shall be called by the chairman of the board of trustees for the first Tuesday in November in each year, or such other day not later than the Saturday following, as may be expedient, by public notice, giving the day, place and hour of meeting, and such notice shall be posted in five conspicuous places within the district, one week before the day for which the meeting is called.

170. The chairman of the board of trustees shall be chairman of the meeting, and the secretary of the school district shall record the minutes thereof.

171. There shall at such meeting be submitted in writing by the board of trustees and read to the meeting: (1.) By the secretary thereof, a statement of the teacher and signed by him, giving the following particulars: (*a*) The number of days on which school was kept open during each term, succeeding the last annual meeting; (*b*) The total number of children attending school during that period, specifying the number of males and females respectively; (*c*) The religious faith professed by the children or their parents on behalf of the children; (*d*) The average daily attendance during each term; (*e*) The branches of education taught in the school and the number of children studying each; (*f*) The number of dismissals of scholars for misbehaviour or other causes; (*g*) The report of the inspector on the occasion of his last inspection of the school.

(2.) By the secretary of the board of trustees and signed by him, a statement showing: (*a*) The names of the trustees: (*b*) The vacancies created in the board during the year, if any, giving the reasons therefor with an account of the elections held to fill such vacancies and the results thereof; (*c*) The engagements entered into during the year by the board as well as an account of those entailed upon them by their predecessors; (*d*) The amount of assessable property in the district according to the last finally revised assessment roll; (*e*) Rate of school tax per dollar (*f*) Rate of tax per dollar to pay off debenture indebtedness; (*g*) The appeals agains

assessment made to the supreme court and the result of such appeals; (*h*) The times of holding regular meetings of the board of trustees during the year, and the resolutions adopted at such meetings, with such particulars of the minutes as may be demanded by any ratepayer present; (*i*) Particulars of the real and personal property held in the district;

(3.) By the treasurer of the school, and signed by him, a statement showing: (*a*) The amount of money received by the district from all sources during the year, with particulars; (*b*) The amounts accruing to the school funds of the past year on account of: Teacher's certificate; Capitation grants for attendance of children; Inspector's report of schools; Assistant teachers employed; (*c*) The amount of money due the district from all sources with particulars; (*d*) The amount of money paid out by the district during the year with the particulars of payment; (*e*) The amount, if any, due by the school, to whom due, and the terms and time of payment;

(4.) By the board of trustees, and signed by the chairman, such statement in regard to the past, present and future of the district, as they may deem sufficient.

DEFERRED SCHOOL MEETINGS.

172. In case, from the want of proper notice or other cause, any first or other school meeting, required to be held under this ordinance, was not held at the proper time, the secretary of the board of education or any two resident ratepayers to the school, may, within thirty days after the time at which the meeting should have been held, call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school district, and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

MISCELLANEOUS.

173. The fiscal school year shall commence on the first day of November in each year, and all accounts opened during the preceding fiscal year shall, if possible, be closed at that date.

174. All schools hereinbefore established are hereby continued under and subject to the provisions of the ordinance.

175. The board of education shall cause to be printed and kept on hand such forms as they may deem necessary in the carrying out of this ordinance, and supply the same to the parties interested, upon application, at cost price.

176. Public notice put up in accordance with this ordinance may be either printed or written, and unless otherwise provided, the trustees shall post up within the district, at least five such notices, not less than eight days prior to the holding of all public meetings.

177. All declarations and affidavits provided by this ordinance may be made either before a justice of the peace or a notary public.

178. All school meetings, after the first, shall be called by the respective boards of trustees, except as otherwise provided by this ordinance.

179. The lieutenant governor may, whenever he thinks it desirable in the public interest to do so, appoint a commissioner to examine into and report to him upon the condition of any one or more schools, and such commissioner shall have the powers of a school inspector for such purpose. Pending any such investigation, no public money shall be paid to such school or schools.

180. In cases where it is provided in this ordinance that forms in the schedule annexed hereto are to be used, such forms shall be followed as near as may be, or as the circumstances will admit.

181. All forms or notices required under this ordinance may be either printed or written.

182. Ordinance no. 3, of 1885, intituled "An Ordinance to Amend and Consolidate, as Amended, the School Ordinance of 1884," and ordinance no. 10, of 1866, intituled, "An Ordinance to Amend the School Ordinance of 1885," are hereby repealed.

183. This ordinance may be cited as "The School Ordinance of 1887."

APPENDIX.

FORM A.

(See Sections 22 and 26.)

NOTICE.

All parties are hereby notified that the undersigned committee have petitioned the lieutenant governor for the erection of (give name in full) school district within the following limits, that is to say (define limits) and the lieutenant governor having approved of said limits, we hereby call a meeting of the school ratepayers within these limits to decide whether such petition shall be granted or not, to be held on the day of at from 12 o'clock noon till 4 p.m., and to elect three school trustees. The qualification of voters is expressed in the following oath, which persons desiring to vote must take, if required:—'You do solemnly swear that your name is (mention name given by proposed voter); that you are the owner, (tenant or occupant) of (describe the land voted upon); that it is of the value of one hundred dollars (or, if a tenant, of the yearly value of twenty dollars); that it is situated within the limits of the proposed school district; that you are of the full age of twenty-one years; that you are not an unenfranchised Indian; that you have not received any corrupt reward and have no hope or expectation of receiving any such reward for voting at this time and place."

Of which all persons interested are hereby required to take notice and govern themselves accordingly.

A. B.
C. D. } School Committee.
E. F.

FORM B.

(Subsection (2) of Section 48.)

FORM OF AGREEMENT BETWEEN TRUSTEES AND TEACHER.

We, the undersigned trustees of (here insert name of school district or separate school, in full), have chosen who holds a class certificate of qualification, to be a teacher in the said school; and we do hereby contract with and employ such teacher at the rate of per annum (or as the case may be), from and after the date hereof, and we do further bind and oblige ourselves and our successors in office faithfully to collect and pay the teacher, during the continuance of this agreement, the sum or sums for which we hereby become bound; the said sum or sums to be paid to the said teacher. And the said teacher hereby contracts with the trustees hereinafter named and their successors in office, and binds himself to teach and conduct the school of said district (or separate school as the case may be), according to the provisions of the school ordinance of 1887 and the regulations of the board of education in force under its authority.

This agreement shall continue in force from the date hereof, unless the certificate of the said teacher should in the meantime be revoked, and shall not include any teaching on Saturdays or on other lawful holidays or vacations decided on, *e.g.*

All such holidays and vacations being at the absolute disposal of the teacher, without any deduction from his salary whatever.

} Trustees.

Teacher.

Dated this day of , A.D. 18

FORM C.

(*Section* 52)

FORM OF CONCURRENCE IN RESIGNATION OF TRUSTEES.

A. B., our colleague, as trustee of (here insert name of school in full), having intimated his desire to us to resign his office as such trustee, we the undersigned remaining trustees of said school do hereby consent to his resignation, as authorized by section 52 of the school ordinance of 1887, such resignation to take effect on the election of his successor at a meeting of the ratepayers of said school called by us and to be held on the day of 18

C. D.
E. F. } Remaining Trustees.

Dated this day of 18 .

NOTE.—To be given to the retiring trustee for presentation to the chairman of the school meeting called as above.

FORM D.

(*Section* 63.)

FORM OF BOND TO BE GIVEN BY TREASURER.

Know all men by these presents:

That A. B., treasurer of (here insert name of school in full), C. D., of and E. T., of are held and firmly bound unto the trustees of the said school or to their successors, in the penal sum of dollars, to be well and truly paid to the said trustees, or their successors, for which payment we bind ourselves and each of us respectively binds himself and his respective heirs, executors and administrators, firmly by these presents.

Sealed with our respective seals, and dated this day of 18 .

The condition of the above bond or obligation is such that if the above bounden his heirs, executors, or administrators, do and shall well and truly account for and remit all moneys belonging to such corporation coming into his hands to the corporation of the school trustees of (here insert name of school in full), without any deduction, defalcation or abatement whatsoever, then the said bond or obligation to be void, otherwise to be, and to remain in full force and virtue.

Signed, sealed, etc., etc.

FORM E.

(*See Subsection* 1 *of* 63.)

I hereby certify that has this day, as treasurer of (give name and number of school) for the term ending day of entered into a bond in the sum of dollars, with and , as his sureties, in the sum of dollars each.

J.P.

Dated at this day of

FORM F.

(*See Section* 92.)

I, A.B., treasurer of (give name and number of school), do hereby declare as follows:—

1. That the school has been kept open days during the quarter ending

2. That the number of pupils in attendance during said quarter was
3. That the daily average attendance of pupils during said quarter was
4. That the classes of certificates held by the teachers (as the case may be), and approved by the board of education, are:—

Principal	Class
1st Assistant	"
2nd Assistant	"
3rd Assistant	"

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "Act respecting Extra-Judicial Oaths."

Treasurer.

P.O. Address.

Declared before me at this day of

J.P.

FORM G.

(*See Section* 148.)

To all to whom these presents shall come, I , of in the North-west Territories, sheriff, send greeting.

Whereas, by virtue of authority vested in me by the school ordinance of 1887, I did on the day of in the year of our Lord one thousand eight hundred and , sell by public auction, the land hereinafter mentioned for arrears of taxes and costs and charges thereon , of , in the at and for the price and sum of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon, up to the day eighty together with costs.

Now know ye, that I, , the said sheriff in pursuance of such sale and of the school ordinance of 1887, and for the consideration aforesaid, do hereby grant, bargain and sell unto the said of in the his heirs and assigns all that certain parcel and tract of land and premises, containing being composed (describe the land so that the same can be readily identified).

In witness whereof I, the said sheriff, have hereto set my hand and affixed my seal this the day of in the year of our Lord one thousand eight hundred and

Sheriff.

[Seal.]

FORM H.

(*Vide Section* 151.)

By-Law No.

A by-law relating to the issue of debentures of the (give full corporate name of the school district).

Whereas it is necessary and desirable that the sum of dollars should be borrowed on the security of (give full name of district,) for the purpose of repayable to the bearer, with interest at per centum per annum, in equal consecutive annual instalments;

Now, therefore, the board of trustees of the said school district enact as follows:—

1. That the necessary notices be given, advertisements published, and proceedings had, under "The School Ordinance of 1887," for receiving the sanction of the ratepayers of the school district to the loan and the issue of debentures therefor, and that the voting thereon shall take place at
on the day of 18 ,
pursuant to the provisions of said ordinance.

2. That if the said sanction be obtained, and the lieutenant governor shall empower, in writing, the said board of trustees to borrow the said sum, pursuant to said ordinance, then debentures of the said district will be issued, payable to the bearer, in equal consecutive annual instalments, with interest at per centum per annum, and shall be executed by the chairman and one member of this board of trustees.

Done and passed at in the provisional district of this day A.D. 18

Chairman.

(Seal.) } Trustees.

FORM I.

(*Vide Section* 152.)

PUBLIC NOTICE.

By the trustees of the (give full corporate name of school district.)

Whereas it is deemed expedient by the trustees of the (give full name of the district), that the sum of dollars should be borrowed on the security of the said school district by the issue of debentures repayable to the bearer in equal consecutive annual instalments, from the issue thereof, with interest at the rate of per centum per annum, for the following purposes, namely:—

Therefore, notice is hereby given, by the trustees of said district, that a poll will be opened by the undersigned, chairman of the said trustees, at the
on the day of 18 , at the hour of ten o'clock, a.m., and will continue open until four o'clock p.m. of the same day, when the votes of those duly qualified to vote thereon will be taken for or against raising the said sum of dollars by way of a loan on the security of the said school district as hereinbefore set forth.

The qualification of voters is expressed in the following oath, which persons desiring to vote, must take, if required:—"I, A.B., do solemnly swear that I am a *bona fide* resident ratepayer of the (name of school district); that I am of the full age of twenty-one years; that I am not an unenfranchised Indian, that I have not voted before at this election, and I have not received any reward, either directly or indirectly, nor have I any hope of receiving any reward at this time and place. So help me God."

Of which all persons interested are hereby notified, and are required to govern themselves accordingly.

Chairman.

Dated at } Trustees.
this day of 18

FORM K.

(*Vide Section* 159.)

I, the undersigned justice of the peace (or notary public, as the case may be,) in and for the North-west Territories, having received the poll book used to record the votes taken at the meeting held in the (give name of school district in full) on the day of 18 , in connection

with the issue of debentures on the security of the said district, and having heard all complaints relative to the conduct of the voting, beg leave to submit the following return of the vote:—

Total No. of Votes Taken.		No. of Votes on Each Side After the Recount.	
For.	Against.	For.	Against.

J.P. or N.P.

Dated at
this day of 18

No. 20 OF 1889.

AN ORDINANCE TO AMEND CHAPTER 59 OF THE REVISED ORDINANCES OF THE NORTH-WEST TERRITORIES, INTITULED "THE SCHOOL ORDINANCE."

[*Assented to November 22nd*, 1889.]

The Lieutenant Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Subsection (*d*) of section 38 of the said ordinance is hereby amended by adding thereto the following words:—

"Together with the total assessed value of their real and personal property, according to the last revised assessment roll of the district."

2. Section 48 of the said ordinance is hereby amended by adding thereto the following subsection:—

(17.) To provide wholesome and pure drinking water for the use of the children during school hours.

3. Subsection 6 of section 60 of the said ordinance is hereby amended by adding thereto the following words:—

"And such report shall be accompanied by an affidavit, stating the facts contained therein to be true."

4. Section 74 of the said ordinance is hereby amended by adding thereto the following sub-section:—

(19.) To produce all registers, time-tables and other books used in connection with their school, when demanded by any member of the board of education, inspector of schools, or justice of the peace in and for the Territories.

5. Section 79 of the said ordinance is hereby amended by striking out the words "six weeks," where it occurs in the second line thereof, and substituting therefor the words "two months," and by striking out the word "two" in the third line thereof, and substituting therefor the word "one."

6. Subdivision (*e*) of subsection (2) of section 96 of the said ordinance is hereby amended by striking out the words "place of residence," and substituting therefor the words "post office address."

7. Section 126 of the said ordinance is hereby amended by striking out the word "assessment" in the first and second lines thereof, and substituting therefor the word "collector's."

8. Section 147 of the said ordinance is hereby amended by striking out the words "a majority," in the tenth and eleventh lines thereof, and substituting therefor

the words "two-thirds," and by inserting after the word "ratepayers" in the eleventh line the words "voting thereon."

9. Subsection (5) of section 151 of the said ordinance is hereby amended by striking out the word "resident," in the first line of the oath appended thereto.

10. Section 175 of the said ordinance is hereby amended by inserting the words "in council" after the words "lieutenant governor" in the first line thereof, and by adding thereto the following subsection:

(1.) The lieutenant governor in council ~~may at any time~~ appoint a commissioner to inspect the financial arrangements of any school district.

11. Section 177 of the said ordinance is hereby amended by striking out the words "pupils, in regular attendance at any one such school," in the third and fourth lines thereof and substituting therefor the words "children of resident ratepayers;" and by inserting after the word "education" in the tenth line of said section, the following words, "and the daily average attendance at the high school branch of such schools is at least ten."

12. The lieutenant governor may from time to time alter the corporate name of any school district, upon the petition of the majority of the ratepayers of such district, by proclamation in the *Official Gazette*.

13. In the school districts, situated either wholly or in part within the limits of a town municipality, the board of trustees shall be increased to five in number, and the election of the additional number of such trustees shall be in the manner following:

(1.) At the first annual school meeting held after the passing of this ordinance to fill the vacancy which occurs yearly under the provisions of section 32 of "The School Ordinance," the ratepayers present shall elect three trustees who shall be declared to hold office as provided by said section 32;

(2.) At subsequent annual elections of trustees in such school districts, the provisions of section 43 of "The School Ordinance" shall, *mutatis mutandis*, apply.

14. In organized school districts no person shall be entitled to vote at any school meeting or for the election of a trustee or trustees (*as the case may be*) who has not paid all taxes in arrear, due by him to such school district.

No. 15 of 1890.

AN ORDINANCE TO FURTHER AMEND "THE REVISED ORDINANCE RESPECTING SCHOOLS," AND TO AMEND ORDINANCE NO. 20 OF 1889, AMENDING SAID ORDINANCE.

[*Assented to November 29th*, 1890.]

The Lieutenant Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Section 33 of the said revised school ordinance is hereby amended by striking out the words "before taking office" and inserting the following in lieu thereof: "within eight days after his election."

2. Subsection (4) of section 48 of the said revised school ordinance is hereby amended by adding thereto the following words: "and may erect and keep in order stabling accommodation."

3. Section 51 of the said revised school ordinance is hereby amended by striking out the words "within eight days after his election," and inserting the following in lieu thereof: "before the first regular meeting of the school trustees."

4. Section 72 of the said revised school ordinance is hereby amended by striking out all the words after the word "ordinance," where it occurs in the ninth line of said section, and inserting the following in lieu thereof:—

"And upon any such disorganization of a school district, the lieutenant governor may appoint one or more persons as commissioners to adjust and settle the assets and liabilities of such district, and such commissioner or commissioners so appointed shall have full power and authority to sell and dispose of and convert into money all the assets and property of said district, and apply the same, so far as the same will extend, first, in payment of the liabilities of said district, and secondly in payment

of his or their remuneration, as hereinafter mentioned, and divide the surplus, if any, *pro rata* among the ratepayers of said district entitled to share therein, and in case the amount so realized shall be insufficient to pay and satisfy the liabilities of said district and his or their remuneration, then such commissioner or commissioners shall have full power and authority to assess, levy and collect, in the same manner as assessors and collectors are authorized to do by this ordinance, such sum or sums of money as may be required to pay and satisfy such indebtedness or any balance thereof remaining unpaid, and all expenses connected therewith, including his or their remuneration, which shall be fixed by the lieutenant governor."

5. Section 79 of the said revised school ordinance, and section 5 of the said ordinance no. 20 of 1889, are hereby repealed and the following substituted therefor:—

79. In all schools open during the whole year, there shall be seven weeks' holidays, of which not less than two nor more than six weeks shall be given in summer, and not less than one nor more than five in winter, to be apportioned at the discretion of the various boards of school trustees. The summer holidays shall fall between the 2nd day of July and the 31st day of August, and the winter holidays shall commence on December 24th.

(1.) When a school is only open during certain months in summer, the trustees of such school may give holidays, not to exceed two weeks, between the 2nd day of July and the 31st day of August, at their discretion.

6. Section 171 of the said revised school ordinance is hereby amended by striking out the last three words in said section.

7. Section 11 of the said ordinance no. 20 of 1889 is hereby repealed.

8. Section 177 of the said revised school ordinance is hereby repealed and the following substituted therefor:—

177. To schools in which the daily average attendance is not less than sixty pupils, when not less than three teachers are employed, and when not less than fifteen pupils, in regular attendance at any one such school, have passed the examination prescribed by the board of education for entrance to the high school branch of such schools, a grant of $350 in addition to the grants to which the school is otherwise entitled, may be made annually to such school for a high school teacher, provided the certificates held by such teacher are approved by the board of education, and the daily average attendance at the high school branch of such school is at least ten.

Provided always that in any two adjacent school districts, jointly fulfilling the above requirements, a "union school" may be established in either district, at the discretion and under the management of the trustees of both districts.

9. Subsection (1) of section 48 of the said revised school ordinance is hereby amended by adding thereto the following words:—"In the event of it not being found convenient to have the school house located exactly in the centre of the school district the trustees may locate it elsewhere, within the district, upon receiving the consent of the board of education to such location."

10. At the annual election of school trustees, the returning officer shall, if required by any person present, or may of his own accord, if deemed advisable, administer the following oath, which shall express the qualification of voters:—

I do solemnly swear that I am a *bona fide* resident ratepayer of (give name of district in full); that I am of the full age of twenty-one years; that I am not an unenfranchised Indian; that I have not before voted at this election; and that I have not received any reward, either directly or indirectly, nor have I any hope of receiving any reward for voting at this time and place. So help me God.

11. No grant for the quarter ending 30th June, in each year, shall be paid to any school, which is open during the whole year, until a return in form A appended to this ordinance has been sent in by the trustees of the school district to the lieutenant governor.

12. No grant for the quarter ending 31st December, in each year, shall be paid to any school until a return in form B, appended to this ordinance, has been sent in by the trustees of the school district to the lieutenant governor.

FORM A—(For schools open the whole year.)

TRUSTEES' RETURN.

For the first term ending.. ....June, 189...., for the..... Department in the school in.....
school district no.....of the N.W.T.

Teacher's name..... Class of certificate.....
Length of service in this school..... Salary.....
Date school opened this term..... Date school closed.....
No. of days school was held during the term.....
Pupils enrolled..... Boys..... girls.....
Total days' attendance..... Average daily attendance.....
Percentage of attendance..... Date and duration of holidays during the year.....

NUMBER OF PUPILS RECEIVING INSTRUCTION.

STANDARD.	Reading.	Spelling and Dictation.	Composition.	Writing.	Arithmetic.	Ethics.	Drill and Calisthenics.	Grammar.	Geography.	History (Canadian).	History (British).	Literature.	Book-keeping.	Object lessons.	Drawing.	Music.	Algebra.	Geometry.	Latin.	French.	Physiology and hygiene.	Chemistry.	Botany.	Agriculture.	Kindergarten.	Needle work, etc.
I																										
II																										
III																										
IV																										
V																										
VI																										
VII																										
VIII																										

HALF-YEARLY EXAMINATION.

No. of pupils present..... No. of parents and visitors present..... School officers present.....
Subjects on which pupils were examined.....
Comments by trustees and others.....
.....

ABSTRACT OF SCHOOL REGISTER FOR TERM ENDING .....JUNE, 18.....

ATTENDANCE, DEPORTMENT AND PROGRESS OF PUPILS.

No.	Name of pupil.	Age.	Attendance.		Pupils' standing.			No.	Name of pupil.	Age.	Attendance.		Pupils' standing.		
			Days present during term.	Days lost during term.	Deportment.	No. of branches studied.	Progress.				Days present during term.	Days lost during term.	Deportment.	No. of branches studied.	Progress.
									Total aggregate attendance. No. of days school open.... Daily average attendance.. Percentage of average attendance.....						

....Teacher.

In schools of two or more departments, each teacher must furnish a copy of this return.
The daily average attendance shall be calculated by dividing the aggregate attendance of pupils by the number of "school days" in the term.
This return must be completely and accurately filled up.

Teacher's Affidavit.

(All the blanks of this return should be filled before the affidavit is taken.)

I, , holding a valid class certificate from the board of education for the North-west Territories, do solemnly declare that I have taught and conducted the school (or the department of the school) in school district no. of the North-west Territories, in accordance with the requirements of "The School Ordinance" and the regulations of the board of education, for the period of legally authorized days, during the school term ending June, 18 ; that only the text-books authorized by the Board of Education have been used; that the school register has been faithfully and impartially kept; that to the best of my knowledge and belief all the statements in this return are correct; that my agreement is in accordance with the ordinance and the regulations in that behalf, and that there is no collusive understanding by which any portion of the agreement is to be made of no effect; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-judicial Oaths."

Declared before me at
this day of , 18
J.P.

Teacher.

Affidavit of Trustees.

(The signatures of two trustees to the following affidavit will be sufficient.)

The undersigned do hereby solemnly declare that the school (respecting which the Teacher has declared to specific statements made in this, our return) has been supported and controlled in accordance with the provisions of "The School Ordinance," and the regulations thereunder made by the board of education, and that we have faithfully sought to procure and return herein accurate answers to each and every enquiry; and that, to the best of our knowledge and belief, this our return is correct in every particular.

Declared before me at
this day of , 18
J.P.

Trustees.

Countersigned,

Secretary of Trustees.

Form B.

(For all Schools.)

TRUSTEES' ANNUAL RETURN

For the school year ending 31st December, 18 .....for the.....
department in the school in "....school district no.....
of the North-west Territories."
Teacher's name.....class of certificate.....
Length of service in this school.....salary.....
Date school opened for the year.....date school closed.....
Number of days school was held during the year.....
Number of pupils enrolled.....boys.....girls.....
Total days' attendance.....average daily attendance.....
Percentage of attendance.....
Date and duration of holidays during the year.....

NUMBER OF PUPILS RECEIVING INSTRUCTION WHEN SCHOOL CLOSED.

STANDARDS.	Reading.	Spelling and Dictation.	Composition.	Writing.	Arithmetic.	Ethics.	Drill and Calisthenics.	Grammar.	Geography.	History (Canadian).	History (British).	Literature.	Book-keeping.	Object Lessons.	Drawing.	Music.	Algebra.	Geometry.	Latin.	French.	Physiology and Hygiene.	Chemistry.	Botany.	Agriculture.	Kindergarten.	Needlework, etc., etc.			
I.....																													
II.....																													
III.....																													
IV.....																													
V.....																													
VI.....																													
VII.....																													
VIII.....																													

HALF-YEARLY EXAMINATION.

Number of pupils present.....no. of parents and visitors present.....
School officers present.....
Subjects upon which pupils were examined .....
.....
Comments by trustees and others.....
.....
.....

AFFIDAVIT OF TRUSTEES.

(The signature of two trustees to the following affidavit will be sufficient.)

The undersigned do hereby solemnly declare that the school (respecting which the teacher has declared to specific statements in this our return) has been supported and controlled in accordance with the provisions of "The School Ordinance," and the regulations thereunder made by the board of education, and that we have faithfully sought to procure and return herein accurate answers to each and every inquiry; and that, to the best of our knowledge and belief, this our return is correct in every particular.

Declared before me at
this day of 18 } J.P. } Trustees.

Countersigned

Secretary of Trustees.

ABSTRACT OF SCHOOL-REGISTER FOR TERM ENDING... ....

ATTENDANCE, DEPORTMENT AND GENERAL PROGRESS OF PUPILS.

No.	Name of Pupil.	Age.	Attendance.		Pupils' Standing.			No.	Name of Pupil.	Age.	Attendance.		Pupils' Standing.		
			Days present during term.	Days lost during term.	Deportment.	No. of branches studied.	Progress.				Days present during term.	Days lost during term.	Deportment.	No. of branches studied.	Progress.
									Total aggregate attendance. No. of days school open.... Daily average attendance.. Percentage of average attendance.....						

....*Teacher.*

In schools of two or more departments, each teacher must furnish a copy of this return.
The daily average attendance shall be calculated by dividing the aggregate attendance of pupils by the number of "school days" in the term.
This return must be carefully and accurately filled up.

TEACHER'S AFFIDAVIT.

(All the blanks in this return should be filled up before the affidavits are made.

I, holding a valid class certificate from the board of education of the North-west Territories, do solemnly declare that I have taught and conducted the school (or the department of the school) in " school district no of the North-west Territories," in accordance with the requirements of "The School Ordinance," and the regulations of the board of education, for the period of legally authorized days during the school year ending December, 18 ; that only the text books authorized by the board of education have been used in said school; that the school register has been faithfully and impartially kept; that, to the best of my knowledge and belief, all the statements in this return are correct; that my agreement with the trustees is in accordance with the ordinance and regulations in that behalf, and there is no collusive understanding by which any portion of the said agreement is to be made of no effect; and I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-judicial Oaths."

Declared before me at
this day of 18 } .....
J.P. } *Teacher*

TREASURER'S STATEMENT.

CASH Account for..... .....school district no.....N.W.T., for the year ending 31st December, 18....

RECEIPTS.	$	cts.	EXPENDITURES.	$	cts.
Govt. grant for quarter ending....			For teachers' salaries		
do do			On account of debenture indebtedness.....		
do do			For rent of buildings.....		
do do			For school apparatus.....		
Taxes collected during the year...			For caretaker and fuel.....		
Received for fees from pupils.....			On school buildings.....		
Proceeds of sales of debentures....					
AMOUNTS DUE TO AND BY THE DISTRICT.					
Arrears of taxes due to district....			Balance due on—		
Fees from pupils.....			Teachers' salaries		
			Outstanding accounts.....		
			Buildings and land.....		
PARTICULARS OF ASSESSMENT.			**ASSETS OF DISTRICT.**		
Amount of assessable property from last revised assessment roll.....			Estimated value of—		
Rate of school tax per $.....			Real estate.....		
do do to pay debenture indebtedness.....			School buildings.....		
			Furniture		
AUDITOR'S REPORT.			**COST OF LAND AND BUILDINGS.**		
I hereby certify that I have compared above statement with the books kept by the district, and find the same correct.			Amount paid for—		
			School site		
			do buildings.....		
			do furniture, etc.....		
..... *Auditor.*			..... *Treasurer.*		

No. 28 of 1891-92.

AN ORDINANCE TO FURTHER AMEND CHAPTER 59 OF THE REVISED ORDINANCE, 1888, INTITULED "THE SCHOOL ORDINANCE."

[*Assented to January 25th*, 1892.]

The Lieutenant Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:—

1. Section 4 of the said ordinance is hereby amended by st iking out the words, "for two years and until their successors are appointed," and inserting in lieu thereof the words, "during pleasure."

2. Section 5 of the said ordinance is hereby repealed, and the following substituted in lieu thereof:—

(5.) "The board shall meet at Regina at such times as the lieutenant governor in council may direct."

3. Sub-division (*a*) of subsection 5, and subsection 8 of section 10 of the said ordinance are hereby repealed.

4. Subsection 3 of section 11 of the said ordinance is hereby repealed.

5. The lieutenant governor in council may appoint inspectors of schools in the Territories, and fix their salaries and travelling allowances, and such inspectors shall severally hold office during pleasure, and in addition to the duties imposed upon them under subsection 5 of section 10 of the said ordinance, shall perform such other duties as may be imposed upon them from time to time by the lieutenant governor in council.

6. Section 12 of the said ordinance is hereby repealed and the following substituted in lieu thereof:—

(12.) "There shall be a general board of examiners for teachers' certificates, who shall be appointed, and whose remuneration shall be fixed by the lieutenant governor in council."

7. Section 13 of the said ordinance is hereby repealed and the following substituted in lieu thereof:—

(13.) Each section of the board shall have the selection of text books for the examination of teachers in history and science, and it shall have power to prescribe any additional subjects of examination for the teachers of schools of its section, and for all examinations on such subject the examiners may be appointed by each section, and shall if so appointed, respectively have jurisdiction. The number of such examiners shall be fixed by the lieutenant governor in council.

8. Section 15 of the said ordinance is hereby amended by striking out the following words: "to call all meetings of the board of education, and of the sections thereof, in accordance with the provisions of this ordinance, and also."

9. Section 35 of the said ordinance is hereby amended by striking out the word "forthwith," and by adding the following subsection:—

a. A school district shall be proclaimed in the month of June or December, as the case may be, immediately following the receipt by the lieutenant governor of the report and the declaration of the chairman of a first school meeting; and new districts shall only become entitled to government aid on, from and after the first day of the school term following such proclamation.

10. Section 52 of the said ordinance is hereby amended by inserting after the word "month" the following words: "or neglect or refusal to attend the meetings of the board of trustees during a period of three months."

11. Section 90 of the said ordinance is hereby repealed.

12. The following section is hereby substituted for section 90 of the said ordinance:—

(90) There shall be paid from the general revenue fund of the Territories in aid of schools organized under and conducted according to the provisions of this ordinance, 70 per cent of the salary paid by the trustees to the teacher or teachers employed;

Provided that the annual salary upon which such per centage is payable shall not exceed the amount hereinafter provided, to be made up as follows:—

a. To schools having an average attendance of from six to ten pupils, graded in standard iii or under, where a teacher holding a 3rd class or provisional certificate is employed, $360;

b. For every pupil in daily average attendance over ten pupils, an additional amount of $5;

c. For every pupil in daily average attendance in all standards above iii according to the last examination as provided for in the next following section, an additional amount of $25;

d. For each teacher employed, holding a 2nd class certificate an additional $25, and for each teacher employed holding a first class certificate, an additional amount of $50;

Provided that in schools where more than one teacher is employed, each department shall rank as a school under the provisions of subsection (*a*), when each teacher employed has a daily average attendance of not less than twenty pupils;

e. Upon the recommendation of an inspector, the lieutenant governor in council may make a special grant to any school, whether organized according to law or not, out of the general revenue fund of the Territories.

13. There shall be regular annual promotion examinations held in each school, in the months of June and July in each year, in accordance with regulations to be issued by the board of education, in all standards, from standard iii upwards.

a. In order to be promoted from standard iii to standard iv, pupils must pass the examination to be held in the month of June, in the following subjects, viz.:—Reading, dictation, composition and language, arithmetic, geography and history, as prescribed in standard iii of the programme of studies;

b. To be promoted from standard iv to standard v, a pupil must pass the entrance examination to be held in the month of June to the high school branch of union schools;

c. To be promoted from standard v to standard vi, a pupil must pass the examination to be held in July for a third class certificate.

d. To be promoted from standard vi to standard vii, a pupil must pass the examination to be held in July for a 2nd class certificate.

14. Notice of the intended appointment of an additional teacher or teachers shall be given in writing by trustees to the secretary of the board of education at least three months previously to the date at which the services of such teacher or teachers, in respect of which government aid is claimed, have begun.

15. The provisions of section 12 of this ordinance shall not come into force until the first day of July, A.D. 1892.

REGULATIONS OF THE BOARD OF EDUCATION OF THE NORTH-WEST TERRITORIES.

[*Adopted 22nd April, 1886.*]

Examinations of candidates for certificates shall be held on the second Tuesday of August, and on the second Tuesday of January in each year, at such places as may be decided upon by the school inspectors, of which due notice will be given.

Two month's notice of their intention to attend the examination shall be given by candidates to the inspector of schools for the district in which they intend to be present for examination.

One month's notice of the number of candidates for each grade of certificate who purpose attending the examination, shall be given by the inspectors to the board of examiners.

The certificates granted by the board of education shall be graduated as follows: First-class, two grades, A and B. Second-class, two grades, A and B. Third-class, one grade.

RULES TO BE OBSERVED BY CANDIDATES.

1. Candidates in preparing their answers, shall write on one side only of each sheet, placing the number of each page at the top, in the right hand corner. Having

written his name at the bottom of each page, and having arranged his answer papers in the order of the questions, each candidate shall fold his papers once across from the bottom upward, and write on the outside, on separate lines (1) the name of the place of examination, (2) his name, (3) the class of certificate for which he is a candidate, and (4) the name of the subject.

2. Candidates shall be in their places punctually at the appointed time, and shall, when the order to stop writing is given, obey it immediately. No candidate shall be permitted to make any alterations in his answers after they are once handed in, or to put in supplementary answers, and no extra time shall be given those who arrive late.

3. In the event of a candidate copying from another, or allowing another to copy from him, or taking into the room in which the examination is held any books, notes, or anything from which he can derive assistance in the examination, it shall be the duty of the presiding inspector, if he obtains clear evidence of the fact, at the time of its occurrence, to cause such candidate at once to leave the room; neither shall such candidate be permitted to enter during the remaining part of the examination, and his name shall be struck off the list of candidates. If, however, the evidence of such copying be not clear at the time, or if it be obtained after the conclusion of the examination, the inspector must report the case to the board of education.

4. Each candidate shall, upon the first day of examination, hand to the presiding inspector, a slip of paper containing the following information: (1.) Age on last birthday. (2.) Kind of certificate last held (if any), and where obtained. (3.) Name of normal school (if any), where trained. (4.) Length of experience in teaching. (5.) Name and address of person signing certificate of moral character. (6.) Candidate's name in full. (7.) Candidate's postoffice address.

SUBJECTS OF EXAMINATION.

First Class.

The subjects of examination for first-class certificates shall be as follows:

Reading.—To be able to read intelligently and expressively any extract in prose or verse.

Spelling.—To be able to write correctly from dictation an extract from any author; the papers written on the other subjects must also be free from orthographical errors.

Writing.—To be thoroughly acquainted with the principles of penmanship and to be able to write a good running hand.

English Literature.—To have a general acquaintance with English literature and its history, and to be able to give a critical analysis of a play from Shakespere, or a work of some other author assigned for examination from time to time by the board.

Grammar.—To be thoroughly acquainted with the origin and construction of the English language and to show familiarity with its correct use in speaking and writing.

Composition.—In addition to the work for second class, to show, by passing an examination on this subject and by the character of their answers on other subjects, an acquaintance with the rules of rhetoric and a habit of writing English with clearness, force and taste.

Geography.—To have a thorough knowledge of the mathematical, physical and political geography of the world.

History.—As for second class, together with Green's Shorter History of the English People.

Book-keeping.—To be acquainted with single and double entry.

Arithmetic and Mensuration.—To have a thorough knowledge of arithmetic and the mensuration of surfaces and solids.

Algebra.—To the binomial theorem, inclusive, in Todhunter's large algebra.

Euclid.—Books I, II, III, IV and VI and the definitions of book V; with deductions.

Statics, Hydrostatics and Physics.—As contained in the prescribed text books.

Physiology and Hygiene.—As for second class, with a knowledge of the brain and the nervous system.

Chemistry and Botany.—As contained in the prescribed text-books.

Books prescribed and recommended for the use of candidates for first-class certificates:

Spalding's History of English Literature; Mason's English Grammar; Bain's Rhetoric and Composition; Green's Shorter History of the English People; Withrow's Canadian History; Kirkland's Elementary Statics; Hamblin Smith's Elementary Hydrostatics; Balfour Stewart's Elementary Physics; Gray's How Plants Grow; Huxley's Elementary Physiology; Buckton's Health in the House, Roscoe's Elementary Chemistry; Todhunter's Algebra, McLellan's Teachers' Handbook of Algebra; Page's Physical Geography; Potts' Euclid.

For Roman catholic candidates in place of Green's Shorter History of the English People, Lingard's History of England, and Catechism of Perseverance.

Books for French candidates.

Littérature Française et Anglaise; Grammaire Française de l'Académie; Rhétorique et Composition; Histoire d'Angleterre (Drioux); Histoire du Canada (Garneau); Eléments de Physique; Eléments de Botanique (Provancher); Algèbre, Géométrie et Trigonométrie; Arithmétique en toutes ses parties (Frères des Ecoles Chrétiennes); Analyse grammaticale et logique; Tenue des livres en partie double et en partie simple; Géographie mathématique, physique et politique (Holmes); Histoire Sainte; Catéchisme de Persévérance.

SECOND CLASS.

The subjects of examination for second class certificates shall be as follows:

Reading.—As for first class.

Spelling.—As for first class.

Writing.—As for first class.

English Literature.—To be acquainted with the outlines of the history of English literature and to be familiar with the work or works of some English author, assigned from time to time for special preparation.

Grammar.—To be acquainted with grammatical forms and the rules of syntax, and their correct application to the use of language in speaking and writing.

Composition.—In addition to the work for third class, to show by the composition of abstracts, paraphrases or essays an acquaintance with the rules of punctuation, and a fair mastery of the art of writing good English.

Geography.—Mathematical, physical and political.

History.—To be thoroughly acquainted with the history of England and Canada.

Book-keeping.—By single and double entry.

Arithmetic.—A thorough acquaintance with the subject.

Algebra.—To the end of quadratic equations.

Euclid.—Books i and ii with deductions.

Physiology and Hygiene.—To be acquainted with the processes of digestion, circulation and respiration, and to be familiar with the ordinary laws of health.

Books prescribed and recommended for the use of candidates for second class certificates.

Stopford Brooke's English Literature; Mason's Outlines of English Grammar; Abbott's How to Write Clearly; Huxley's Elementary Physiology; Catherine Buckton's Health in the House; Page's Physical Geography; Collier's History of the British Empire; Jeffers' History of Canada; Beatty & Clare's Book-keeping; Todhunter's Algebra for Beginners; Potts' Euclid.

For Roman catholic candidates in place of Collier's History of the British Empire and Jeffers' History of Canada, Lingard's History of England, A.D. 1066–1272, Christian Brothers' of Montreal History of Canada and Butler's Cathechism.

Books for French candidates.

Lecture raisonnée; Ecriture; Grammaire; Géographie, Eléments d'Algèbre, Eléments de Géométrie (Frères des Écoles Chrétiennes); Histoire d'Angleterre

(Drioux); Histoire Sainte (Drioux); Histoire du Canada (Garneau); Catéchisme de Persévérance.

THIRD CLASS.

The subjects of examination for third class certificates shall be as follows:—

Reading.—To be able to read any passage selected from the authorized reading books intelligently and expressively.

Spelling.—To be able to write correctly any passage that may be dictated from the authorized readers.

Writing.—To be able to write legibly and neatly.

Grammar.—To be acquainted with the elements of English grammar, and to be able to analyze and parse any ordinary prose sentence.

Composition.—To be acquainted with the construction of sentences, the rendering of poetry into prose, the forms of business and general correspondence, and the writing of themes.

Geography.—To be acquainted with the general geography of the world, and of America and Europe in particular; and to have a good general knowledge of the form and motions of the earth, and their connection with climate, the seasons and the divisions of time.

History.—To have a good general knowledge of the history of England and Canada.

Arithmetic.—To be thoroughly acquainted with the subject as far as per centage, including interest and discount.

Books prescribed and recommended for study by candidates for third class certificates:

Mason's Outlines of English Grammar; Morrison's English Composition; Campbell's Geography; Collier's School History of the British Empire; Jeffers' History of Canada (primer); Hughes' Topical Histories of England and Canada; Hamblin Smith's Arithmetic.

For Roman catholic candidates in place of Collier's History of the British Empire and Jeffers' History of Canada, Lingard's History of England, A.D. 1066-1215, Christian Brothers of Montreal History of Canada and Butler's Catechism.

Books for French candidates.

Livres de lecture, 1er, 2e, 3e, 4e et 5e (J. B. Rolland, Montreal); Grammaire Française et Analyse (Frères des Écoles Chrétienes); Exercices orthographiques; Grammaire avec exercices; Geographie primaire (Frères des Écoles Chrétiennes); Arithmétique (F. X. Toussaint); Histoire Sainte (Drioux); Histoire du Canada (Laverdière); Écriture.

PERSONS ELIGIBLE TO RECEIVE THE VARIOUS GRADES OF CERTIFICATES.

A first class certificate will be granted by the board of education of the North-west Territories, as follows:

(1.) To any candidate producing a first class certificate from any normal school or a first-class professional certificate.

(2.) To any candidate producing a second class certificate from any normal school and passing the examination of the board of examiners of the North-west Territories for a first class certificate.

(3.) To any candidate holding a second class certificate from the board of education of the North-west Territories and passing the examination of the board of examiners for a first class certificate and producing the inspector's report of the candidates' school showing that his method of teaching has been graded "excellent."

(4.) To any candidate who is a graduate of a British or Canadian university and who furnishes evidence to the satisfaction of the board of examiners of having taught a school for at least two years.

A second class certificate will be granted as follows:

(1.) To any candidate producing a second class certificate from any normal school or a second-class professional certificate.

(2.) To any candidate producing a third class certificate from any normal school and passing the examination of the board of examiners for a second class certificate.

(3.) To any candidate holding a third class certificate of the board of education of the North-west Territories and passing the examination of the board of examiners for a second class certificate and producing the inspector of school's report of the candidate's school showing that his method of teaching has been graded "very good" or "good."

(4.) To any candidate who is a graduate of a British or Canadian university and who furnishes evidence to the satisfaction of the board of examiners of having taught a school for at least one year.

A third class certificate will be granted as follows:

(1.) To any candidate producing a third class certificate from any normal school or a third class non-professional certificate.

(2.) To any candidate producing a provisional certificate and passing the examination of the board of examiners' for a third class certificate and producing the inspector of school report of the candidate's school showing that his method of teaching has been graded "very fair" or "fair."

(3.) To any candidate who is a graduate of a British or Canadian university.

REGULATIONS OF THE BOARD OF EDUCATION OF THE NORTH-WEST TERRITORIES.

[*Adopted* 15*th March*, 1888.]

Clauses from 1 to 9 inclusive of the following regulations of the board of education refer to schools not designated protestant or Roman catholic and have been adopted by the two sections of the board for the schools under their respective control; and the subjects of clauses 10 to 47, being within the sole jurisdiction of the board, such clauses apply to all schools in the territories.

SCHOOL PREMISES.

SCHOOL SITE.

1. School trustees are required to obtain a title to their school site and register the same. When a title cannot be immediately secured, the case must be reported to the secretary of the board of education, and the sanction of the board, or the section thereof interested, shall be obtained before a building is erected or expense incurred in the purchase of the ground.

2. When practicable, especially in cities or towns, school grounds should be enclosed with a substantial fence; the planting of shade trees in school grounds is recommended.

SCHOOL HOUSE.

3. Before letting any contract for the erection of a school house, or obtaining a loan by the issue of debentures for the same, school trustees shall submit a copy of the plans and specifications to the secretary of the board of education for approval; and no school house shall be erected, or furniture provided, except upon a plan duly approved by the board or section thereof interested.

4. It shall be the duty of the local inspector, at his first official visit, to examine the school house and report to the secretary any departure from the approved plans in its erection and furnishing, in addition to the report required by the ordinance.

5. It is recommended that all school houses be kept insured.

6. It is essential that every school district should have a school house adequate to the requirements of the school district, and in order to insure the health, comfort and convenience of the children attending school, the board of education requires that all school houses shall be erected and furnished with due regard to the following conditions:—

(1.) The dimensions of each school shall not be less than twenty-four feet long by eighteen feet wide, and the side walls shall be at least ten feet in height

from floor to ceiling. School houses at which there will be an average attendance of over twenty-five pupils shall be erected so as to afford one hundred and fifty cubic feet of air space for each pupil;

(2.) The entrance door or doors shall open outwards and be protected by a weather-tight porch or shall open from an inner vestibule. An embankment of earth shall be placed around the house to at least the height of the floor level;

(3.) Where practicable the chimney shall be constructed of brick or cement, and shall contain two flues, one for the escape of smoke and one for foul air, each flue to have a capacity of not less than five by eight inches in the clear. The ventilating flue shall be continued from the chimney down to the floor of the room, by means of a wooden or metal pipe of the same capacity as the chimney flue; this pipe shall contain two openings, not less than eight inches square, one at the floor and one near the ceiling, regulated by valves;

(4.) The windows shall light the room from the sides of the building only, and shall be arranged to open easily;

(5.) The seats and desks shall be arranged so that the pupils may sit facing the teacher, and it is recommended that they shall not be longer than is requisite to seat two pupils each;

(6.) The seats shall be so regulated as to height, that pupils of different ages may be seated with their feet squarely upon the floor, and it is desirable that the backs should slope backward two or three inches from the perpendicular;

(7.) Where practicable, the seats and desks shall be fastened to the floor in rows, with aisles of suitable width between the rows; a passage, at least two feet wide, shall be left between the outside rows and the side and rear walls of the building, and a space, from three to five feet wide, between the teacher's platform and the front desks;

(8.) A sufficient number of seats and desks shall be provided for the accommodation of all the pupils ordinarily in attendance at the school. Each desk shall be provided with a shelf for pupils' books, etc.

N.B.—Trustees purchasing desks are recommended to procure at least three different sizes, suited to the ages of the pupils. For the convenience of those who may choose to have them made, by a local mechanic, the following table of dimensions is given:—

Age of Pupils.	Chairs or Seats.			Desks.			
	Height.		Slope of Back.	Height.		Width.	Height next Pupil.
	Front.	Rear.		Double.	Single.		
	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.
Five to eight years	12	11½	2	36	18	12	22
Eight to ten years	13	12½	2	36	18	12	23
Ten to thirteen years	14	13½	2½	36	20	13	24
Thirteen to sixteen years	16	15½	3	40	22	13	26

BLACKBOARD.

(9.) Each school-house shall be provided with a blackboard, at least four feet wide and ten feet long, extending across the room in the rear of the teacher's desk, its lower edge not over two and a half feet above the floor or platform, or, if this is not practicable, with blackboard cloth, or a move-

able blackboard. It is recommended that the blackboard should extend the whole width of the room, and that there should be an additional blackboard on each side of the room.

N.B.—The following suggestions will be found useful to those desiring information as to the materials, etc., that are necessary to make a good blackboard: (*a.*) The plaster upon which the colouring is to be spread should be composed largely of plaster of Paris. (*b.*) Before and after receiving the first coat of colour, it should be thoroughly rubbed with fine sand paper. (*c*) The colouring matter should be laid on with a wide, flat varnish brush. (*d*) The liquid colouring matter may be either purchased ready to be laid on, or made by any painter as follows: Dissolve gum shellac in alcohol, four ounces to the quart, the alcohol being at least 95 per cent strong; the dissolving process will require about twelve hours. Fine flour of emery, with enough lampblack or chrome green to give it a colour, is then to be added, until the mixture has the consistency of thin paint. It may then be applied in long, even strokes, up and down, the liquid being kept constantly stirred.

MAPS AND APPARATUS.

(10.) Each school shall be supplied with the necessary maps and apparatus, which shall be under the care of the teacher, who shall be responsible for their preservation from injury.

(11.) The following articles, in addition to those already mentioned, shall be considered necessary to the equipment of every school: (*a*) One or more sets of reading charts. (*b*) Maps of the world, Canada, and the North-west Territories. (*c*) A supply or chalk or crayons for blackboard use.

N.B.—In choosing maps, trustees are required to procure only those of Canada and North-west Territories that have the latest divisions properly marked.

POWERS AND DUTIES OF TEACHERS.

7. In addition to the duties specified in the school ordinance, teachers are empowered and required: (1.) In the maintenance of discipline, to avoid unnecessary harshness or the use of punishments degrading in their tendency or of a nature to cause serious bodily injury, and to endeavour to govern their pupils with such mild firmness as a judicious parent would employ. (2.) To enforce by precept, and example, habits of punctuality, neatness, cleanliness, regularity and order; to observe and impress upon the pupils the principles and morals of the Christian religion, especially those of truth, honesty, piety and humanity; and the duty of respect and obedience to parents and to all persons placed in authority over them. (3.) To classify the pupils according to their attainments, and to teach the subjects as laid down in the programme of studies authorized by the board or the respective sections thereof. (4.) To suspend pupils from school for gross offences or for persistence in any fault calculated to exercise an injurious influence on the other pupils; but all such suspensions shall be reported at once in writing to the parents or guardians of the pupils suspended, and to the trustees: and the trustees shall confirm or annul the action of the teacher, as they may think proper, provided that an appeal shall lie to the board or to the section thereof, as the case may be. (5.) To be at the school-room each day before the hour of opening and to teach diligently and faithfully during the whole period assigned for school work.

DUTIES OF PUPILS.

8. It is required of each and every pupil: (1.) To come to school clean and tidy in person and clothes; to avoid idleness, profanity, falsehood, deceit, quarrelling and fighting; to be obedient to his instructors and to the rules of the school, diligent in study and courteous to all. (2.) To furnish the teacher with an excuse from his parent or guardian for tardiness or absence from school. (3.) To be present at each examination of his school, or, if absent, to furnish a satisfactory excuse. (4.) Not

to depart, without the teacher's consent, before the time appointed for closing the school. (5.) To be amenable to the teacher for any misconduct on the school premises, or in going to and returning from school. (6.) To come to school with the prescribed school books and school requisites.

TEXT BOOKS.

9. The trustees of schools which are not designated protestant or Roman catholic shall select for use therein either the list of books authorized by the protestant or Roman catholic section of the board, for use in the schools of its section, and shall at once notify the secretary of the board of education of the selection made. The inspectors for such schools shall be the inspectors of the section of the board whose list of books the trustees have selected for use therein.

SCHOOL REGISTER.

10. All teachers shall mark the attendance of pupils, previously to beginning the regular school-work, each morning and afternoon, in the register supplied by the board of education for that purpose.

11. Teachers shall keep the register in duplicate, one copy to be retained as part of the records of the school.

12. A separate school register must be used for each term.

13. The register must be made up at the close of each term so as to show: (1.) The daily attendance of each pupil. (2.) The number of days each pupil attended school during the term. (3.) The greatest number of days attended by any pupil. (4.) The average daily attendance of pupils. (5.) The number of days the school was open during the term.

14. The declaration on back of register must be made by each teacher before sending in the register at the close of the term.

TEACHERS' CERTIFICATES.

15. No person can lawfully be employed as a teacher in any school in the North-west Territories, unless such person holds a certificate granted as prescribed by the school ordinance.

16. Any board of school trustees, employing a teacher who does not hold a certificate from this board forfeits its rights to any of the grants provided by the school ordinance.

17. The certificates granted by the board of education shall be graded as follows: First class—two grades, A and B. Second class—two grades, A and B. Third class—one grade;

18. Each of these certificates shall be termed professional or non-professional, as the case may be, and shall be obtainable as hereinafter provided.

NON-PROFESSIONAL CERTIFICATES.

19. Non-professional certificates may be obtained by persons presenting satisfactory evidence of good moral character, proof of being eighteen years of age in the case of males, and sixteen years of age in the case of females, and passing the examination of teachers held annually, or producing evidence satisfactory to the board of having passed an equivalent examination elsewhere.

20. To pass the examination a candidate must obtain the following percentage of marks: (1.) For grade A of first and second class—fifty per cent of the marks attached to each of the subjects of examination and 70 per cent of the total number of marks. (2.) For grade B of first and second class, and for third class—thirty-five per cent of the marks attached to each of the subjects of examination and fifty per cent of the total number of marks.

21. A third-class non-professional certificate shall be valid for one year from the date of issue; a first or second class non-professional certificate shall be valid for two years.

PROFESSIONAL CERTIFICATES.

22. A third class professional certificate, valid for three years from the date of issue, will be granted by the board of education, as follows: (1.) To any person producing a third class non-professional certificate bearing the inspector's endorsement approved by the board. (2.) To any person producing a normal or other certificate, which, in the opinion of the board, may entitle such person to a third class professional certificate.

23. A second class professional certificate, graded A or B, as the case may be, will be granted to any person presenting a second class non-professional certificate, or something which is its equivalent in the opinion of the board, and one of the following three things: (*a*) A certificate of normal school training. (*b*) Any other certificate approved by the board indicating training in the art of teaching. (*c*) Evidence, attested by inspector's endorsements, of having taught successfully for at least two years.

24. A first class professional certificate, graded A or B, as the case may be, will be granted to any person presenting a first class non-professional certificate, or something which is its equivalent in the opinion of the board, and one of the following three things: (*a*) A certificate of normal school training. (*b*) Any other certificate approved by the board indicating training in the art of teaching. (*c*) Evidence, attested by inspector's endorsements, of having taught school successfully for at least two years.

ANNUAL EXAMINATION.

25. The annual examination of candidates for certificates shall commence on the first Tuesday of August in each year, at such places as may be decided upon by the school inspectors, of which due notice shall be given by them.

26. Two months' notice of their intention to attend the examination shall be given by candidates to the inspector of schools for the district in which they intend to be present for examination.

27. One month's notice of the number of candidates for each grade of certificate who purpose attending the examination shall be given by the inspectors to the secretary of the board of education.

BOARD OF EXAMINERS.

28. The general board of examiners for teachers' certificates shall consist of four members, and it shall be the duty of such board to: (1.) Prepare the examination questions. (2.) Adopt a time table showing the hours at which the examination shall be opened and closed each day; the hours for the presentation to the candidates of each set of questions and the time allowed for the answering of questions in each subject. (3.) Determine the number of marks to be attached to the different subjects of examination and the respective value of the questions. (4.) Cause all questions to be copied or printed under the supervision of the secretary of the board of education, in such number and form as may be deemed necessary. (5.) Examine and estimate the value of the answers of the candidates. (6.) With all convenient speed make a full report of the examination to the board of education. (7.) And generally perform all duties necessary for the proper examination of the candidates.

29. For preparing the questions of examination the board of examiners shall meet at Regina on the second Monday of June, and for examining the candidates' papers on the second Monday of September.

30. Two members, one from each section of the board of examiners, shall constitute a quorum at any fixed or regularly called meeting of said board; and the secretary of the board of education shall be, *ex-officio*, secretary of the board of examiners and keep minutes of its proceedings.

GENERAL RULES.

31. The necessary papers shall be sent by the secretary of the board of education, by registered letter, to the officer presiding at the examination, under seal, so as to be received by him in time for the examination.

32. All examinations shall be held in the most convenient school house, to be selected by the inspector, who shall make all suitable arrangements for holding the examination. It shall be obligatory on the trustees of any school district, upon application of the inspector, to place the school house, or suitable room in it, at his disposal for the purpose of holding examinations therein.

33. Upon the examination day, the candidates being all seated in their places, the presiding officer shall break the seal of the packet containing the questions in the presence of the candidates, and shall proceed to deliver a proper copy of the questions to each candidate. Blank paper, for answering the questions, shall be furnished to each candidate by the presiding officer. No book or means of reference whatever shall be allowed to be within the reach of any candidate, and any candidate availing himself of any means of reference, by whatever way obtained, or having any communication, during the hours of examination, with any one, except the officer in charge of the examination, will not be allowed to continue his examination.

34. Any such case shall be reported by the presiding officer to the board of education.

35. The presiding officer shall not leave the examination room during the hours of examination.

36. If any candidate desires to leave the examination room, he must be requested to deliver up to the presiding officer the paper at which he was working, before he leaves, and be told at the same time he will not be allowed to resume the examination upon the subject of that particular paper which he had then given up.

37. One set of questions upon one subject only will be permitted to a candidate at one time, as specified in the time-table furnished by the board of examiners.

38. At the close of the examination the presiding officer shall collect the examination papers of the candidates and forward them, together with a report of any special circumstances that may have arisen during the examination, under seal to the secretary of the board of education.

39. The presiding officer shall forward a memorandum of his charges and the expenses incident to the conduct of the examination to the secretary of the board of education.

RULES TO BE OBSERVED BY CANDIDATES.

40. Each candidate shall, upon the first day of examination, hand to the presiding officer, a slip of paper containing the following information: (1.) Age or last birthday. (2.) Kind of certificate last held (if any) and where obtained. (3.) Name of normal school (if any) where trained. (4.) Length of experience in teaching. (5.) Name and address of person signing certificate of moral character. (6.) Candidate's name in full. (7.) Candidate's post office address.

41. Candidates shall be in their places punctually at the appointed time, and shall, when the order to stop writing is given, obey it immediately. No candidate shall be permitted to make any alterations in his answers after they are once handed in, or to put in supplementary answers, and no extra time shall be given those who arrive late.

42. Candidates in preparing their answers, shall write on one side only of each sheet, placing the number of each page at the top in the right hand corner. Having written his name at the bottom of each page, and having arranged his answer papers in the order of the questions, each candidate shall fold his papers once across from the bottom upward, and write on the outside, on separate lines (1) the name of the place of examination, (2) his name, (3) the class of certificate for which he is a candidate, and (4) the name of the subject.

43. In the event of a candidate copying from another, or allowing another to copy from him, or taking into the room in which the examination is held anything from which he can derive assistance in the examination, it shall be the duty of the presiding officer, if he obtains clear evidence of the fact, at the time of its occurrence, to cause such candidate at once to leave the room; neither shall such candidate be permitted to enter during the remaining part of the examination, and his name shall be struck off the list of candidates. If, how-

ever, the evidence of such copying be not clear at the time, or if it be obtained after the conclusion of the examination, the presiding officer must report the case to the board of education.

SUBJECTS OF EXAMINATION.

Third Class.

44. The subjects of examination for third class certificates shall be as follows:

Reading.—To be able to read any passage selected from the authorized reading books intelligibly and expressively.

Spelling.—To be able to write correctly any passage that may be dictated from the authorized readers.

Writing.—To be able to write legibly and neatly.

Grammar.—To be acquainted with the elements of English Grammar, and be able to parse any ordinary prose sentence.

Composition.—To be acquainted with the construction of sentences, the rendering of poetry into prose, the forms of business and general correspondence, and the writing of themes.

Geography.—To be acquainted with the general geography of the world, and of America and Europe in particular; and to have a good general knowledge of the form and motions of the earth, and their connection with climate, the seasons and the divisions of time.

History.—To have a good general knowledge of the history of England and Canada.

Arithmetic.—To be thoroughly acquainted with the subject as far as per centage, including interest and discount.

Science and Art of Teaching.—As contained in the prescribed text-books.

N.B.—Books prescribed for the use of candidates for third class certificates.

By the protestant section:

Mason's Outlines of English Grammar; Morrison's English Composition; Campbell's Geography; Collier's School History of the British Empire; Jeffers' History of Canada (primer); Hughes's Topical Histories of England and Canada; Hamblin Smith's Arithmetic; Baldwin's Art of School Management; Browning's Educational Theories; Hughes' Drill and Calisthenics.

By the Roman catholic section:

(*a.*) For English candidates:

Lessons in English, Elementary Course, by Christian Brothers; Geography, Elementary Course by Christian Brothers; History of Canada (compendium of) by Christian Brothers; History of England, A.D. 1066—1215, Lingard; Introduction to Commercial Arithmetic, by Christian Brothers; Baldwin's Art of School Management; Hughes' Drill and Calisthenics.

(*b.*) For French candidates:

"Leçons en Français, cours élémentaire, par les Frères; Géographie, cours élémentaire, par les Frères; Abrégé de l'Histoire du Canada, par les Frères; Précis, Histoire d'Angleterre, par Drioux; Introduction à l'arithmétique, par les Frères."

SECOND CLASS.

45. The subjects of examination for second class certificates shall be as follows:

Reading.—As for first class.

Spelling.—As for first class.

Writing.—As for first class.

English Literature.—To be acquainted with the outlines of the history of English literature, and to be familiar with the work or works of some English author, assigned from time to time for special preparation.

Grammar.—To be acquainted with grammatical forms and the rules of syntax, and their correct application to the use of language in speaking and writing.

Composition.—In addition to the work for third class, to show by the composition of abstracts, paraphrases or essays, an acquaintance with the rules of punctuation, and a fair mastery of the art of writing good English.

Geography.—As for first class.

History.—To be thoroughly acquainted with the history of England and Canada.

Book-keeping.—To be acquainted with book-keeping by single and double entry.

Arithmetic.—A thorough acquaintance with the subject.

Algebra.—To the end of quadratic equations.

Geometry.—Euclid, books i and ii, with deductions.

Physiology and Hygiene.—To be acquainted with the processes of digestion, circulation and respiration, and to be familiar with the ordinary laws of health.

School Law.—Respecting the duties of trustees and teachers, as prescribed by the school ordinances and regulations.

Science and Art of Teaching.—As contained in the prescribed text-books.

N.B.—Books prescribed for the use of candidates for second class certificates:

By the protestant section:

Stopford Brooke's English Literature; Mason's Outlines of English Grammar; Abbott's How to Write Clearly; Huxley's Elementary Physiology; Catherine Buckton's Health in the House; Page's Physical Geography; Collier's History of the British Empire; Jeffers' History of Canada; Beatty & Clare's Book-keeping; Todhunter's Algebra for Beginners; Potts' Euclid; Baldwin's Art of School Management; Browning's Educational Theories; Hughes' Drill and Calisthenics.

By the Roman catholic section:

(*a.*) For English candidates:

Lessons in English, Intermediate Course, by Christian Brothers; Geography, Intermediate Course, by Christian Brothers; Compendium of History of Canada, by Christian Brothers; History of England, 1215–1509, by Lingard; Commercial Arithmetic, Intermediate Course, by Christian Brothers; Todhunter's Algebra for Beginners; Potts' Euclid; Huxley's Elementary Physiology; Catherine Buckton's Health in the House; Book-keeping from Commercial Arithmetic by Christian Brothers; Baldwin's Art of School Management; Hughes' Drill and Calisthenics.

(*b.*) For French candidates:

Leçons en Français, Cours Intermédiare, par les Frères; Géographie, Cours Intermédiaire, par les Frères; Abrégé de l'Histoire du Canada, par les Frères; Histoire d'Angleterre, par Drioux; Arithmétique Commercial, Cours Intermédiaire, par les Frères; Algèbre, par Eyssèric et Pascal; Géométrie, par Eyssèric et Pascal; Tenue des Livres de l'Arithmétique Commercial des Frères."

FIRST CLASS.

46. The subjects of examination for first class certificates shall be as follows:—

Reading.—To be able to read intelligibly and expressively any extract in prose or verse.

Spelling.—To be able to write correctly from dictation an extract from any author; the papers written on the other subjects must also be free from orthographical errors.

Writing.—To be thoroughly acquainted with the principles of penmanship and to be able to write a good running hand.

English Literature.—To have a thorough acquaintance with English literature and its history, and to be able to give a critical analysis of a play from Shakespeare, or a work of some other author assigned for examination from time to time by the board.

Grammar.—To be thoroughly acquainted with the origin and construction of the English language and to show familiarity with its correct use in speaking and writing.

Composition.—In addition to the work for second class, to show, by passing an examination on this subject and by the character of their answers on other subjects, an acquaintance with the rules of rhetoric, and a habit of writing English with clearness, force and taste.

Geography.—To have a thorough knowledge of the mathematical, physical and political geography of the world.

History.—To be thoroughly acquainted with the history of England and Canada.

Book-keeping.—To be acquainted with single and double entry.

Arithmetic and Mensuration.—To have a thorough knowledge of arithmetic and the mensuration of surfaces and solids.

Algebra.—To the binomial theorem, inclusive, in Todhunter's large algebra.

Geometry.—Euclid, books i, ii, iii, iv and vi, and the definitions of book v: with deductions.

Statics, Hydrostatics and Physics.—As contained in the prescribed text-books.

Physiology and Hygiene.—As for second class, with a knowledge of the brain and the nervous system.

Chemistry and Botany.—As contained in the prescribed text books.

School Law.—Respecting the duties of trustees and teachers, as prescribed by the school ordinance and regulations.

Science and Art of Teaching.—As contained in the prescribed text books.

N.B.—Books prescribed and recommended for the use of candidates for first class certificates.

By the protestant section:

Spalding's History of English Literature; Mason's English Grammar; Bain's Rhetoric and Composition; Green's Shorter History of the English People; Withrow's Canadian History; Kirkland's Elementary Statics; Hamblin Smith's Elementary Hydrostatics; Balfour Stewart's Elementary Physics; Gray's How Plants Grow; Huxley's Elementary Physiology; Buckton's Health in the House; Roscoe's Elementary Chemistry; Todhunter's Algebra; McLellan's Teacher's Handbook of Algebra; Page's Physical Geography; Potts' Euclid; Baldwin's Art of School Management; Browning's Educational Theories; Hughes' Drill and Calisthenics.

By the Roman catholic section:

(*a.*) For English candidates:

History of English Literature, by Chateaubriand; Lessons in English, Superior Course, by Christian Brothers; Geography, Superior Course, by Christian Brothers; History of Canada, by Christian Brothers; History of England, by Lingard; Commercial Arithmetic, Superior Course, by Christian Brothers; Todhunter's Algebra; Potts' Euclid; Hamblin Smith's Elementary Hydrostatics; Balfour Stewart's Elementary Physics; Gray's How Plants Grow; Huxley's Elementary Phisiology; Buckton's Health in the House; Roscoe's Elementary Chemistry; Baldwin's Art of School Management; Hughes' Drill and Calisthenics."

(*b.*) For French candidates:

Histoire de la Littérature Anglaise, par Chateaubriand; Leçons en Français, cours supérieur, par les Frères; Géographie, cours supérieur, par les Frères; Histoire du Canada, par les Frères; Histoire d'Angleterre, par Drioux; Arithmétique commerciale, cours supérieur, par les Frères; Algèbre, par Eysséric et Pascal; Géométrie, par Eysséric et Pascal; Précis de Physique et de Chimie, par Drioux; Traité elémentaire de Botanique, par l'abbé Provencher."

SECRETARIES OF SCHOOL DISTRICTS.

47. In addition to the duties prescribed by the school ordinance, they are required to send information immediately to the secretary of the board of education in the event of: (*a*) Any change taking place in the trustees of the district. (*b*) Any change of secretary or treasurer. (*c*) Any change of teacher. (*d*) The school being closed from any cause.

REGULATIONS OF THE PROTESTANT SECTION OF THE BOARD OF EDUCATION.

[*Passed* 15*th March*, 1888.]

PROGRAMME OF STUDIES.

1. The following programme of studies, with the percentage of time to be devoted weekly to the teaching of each subject, is authorized for the protestant schools of the territories; but its use may be subject to such modifications as the circumstances of each school may render advisable. These modifications must, however, before they are acted upon by the teachers, be submitted to the local school inspector and receive his assent.

2. The subjects of reading, writing, spelling, composition, arithmetic and moral training being essential, shall not be omitted from the time table of any school.

3. The time table of each rural school, not kept in operation the whole school year, shall assign at least seventy-five per cent of the time each week to the teaching of the subjects declared to be essential, the remainder of the time being occupied with such instruction in grammar, history, geography, object lessons, etc., as may be found practicable, by familiar oral lessons or by combining them with the teaching of composition and writing.

4. Besides using the time for moral training definitely set apart in the programme, the teacher is expected to take advantage of such occasions as arise during the whole course of study for the inculcation of these matters, and he is expected also to support his instructions by his personal example and authority. The religious exercises of the school should be conducted without haste and with the utmost reverence and decorum.

5. Each teacher shall make out a time table for his school and submit it for approval to the local inspector at his next regular visit. It shall then be posted up, with the inspector's approval marked upon it, in a conspicuous place in the school room.

PROGRAMME OF STUDIES.

Subject.	Standard I.	Standard II.	Standard III.	Standard IV.	Standard V.	Full Course. Partial Course.
Reading.....	Tablets, First Book, parts i and ii.	Second Reader..	Third Reader...	Fourth Reader..	Fifth Reader,...	o o 1618
Spelling....	From reading lessons on slates and orally.	From reading lessons on slates and orally.	From reading lessons on slates and orally.	From reading lessons, oral and written.	From reading lessons and dictation.	810
Composition.	New words in reading lessons used in original sentences; reproduction of simple stories, and of the substance of the reading lessons.	Reproduction of the substance of the reading lessons; simple letter writing.	Reproduction of the substance of the reading lessons; short historical tales; letter writing.	Further extension of the subject.	Exercises in narration and description; themes; essays.	1010
Writing.. ..	On slates.....	Copy-books, nos. 1 and 2.	Copy-books, nos. 3, 4 and 5.	Copy-books, nos. 6, 7 and 8.	The subject continued.	1011
Arithmetic..	Part 1. Ideas of nos. 1 to 20 developed; operations in addition, subtraction, multiplication and division, —results not to exceed 20. Part 2. From 20 to 1000; operations in 4 simple rules-results not to exceed 1000. Roman numerals to XII. Mental arithmetic.	Simple rules completed. Notation and numeration to 1,000,000. Roman numerals to C. Mental arithmetic.	Notation completed. Practical problems in simple rules. Measures and multiples. Vulgar fractions. Mental arithmetic.	Vulgar and decimal fractions, elementary percentage and interest. Mental arithmetic.	The subject completed.	1418

PROGRAMME OF STUDIES—*Concluded.*

Subject.	Standard I.	Standard II.	Standard III.	Standard IV.	Standard V.	Full Course.	Partial Course.
						o	o
Ethics	Conversations on the duty of believing in, fearing and loving God; cleanliness and neatness; honesty, truthfulness and obedience.	Subject continued; avoidance of impure and profane language.	Subject continued; respect to parents and persons in authority, cultivation of courteous and modest behaviour at all times; how to be useful and honourable. Lessons on temperance; how to play in such a way as to promote health.	Subject continued; reverence for all sacred things; integrity, manliness, unselfishness, self-control, forgiveness of injuries, thrift, perseverance. The laws of health, including the nature and effects of alcohol on the system.	Subject continued; self-denial, self-respect, courteous behaviour to the opposite sex; the avoidance of bad habits: the cultivation of a cheerful disposition; the duty of doing to others as we would be done by. Loyalty to queen and country.	5	5
Grammar	Correction of common mistakes.	Correction of common mistakes. Division of sentences into subject and predicate.	Analysis of easy, simple sentences. Recognition of parts of speech.	Analysis; inflections of the parts of speech; parsing.	The subject completed.	7	
Geography	Conversations about the earth; ideas of places; points of the compass.	Elementary definitions; local geography; boundaries; leading physical features of the North-west Territories.	Definitions; map of the world in outline; North America; map drawing.	Subject continued, with Europe, Canada, United States.	General geography.	7	
History	.....	.....	Stories from Readers.	Principal events in English and Canadian history.	English and Canadian history. Literature.	5	
Book-keeping	.....	.....	Simple accounts, receipts.	Subject continued, with orders, notes, cheques, drafts.	Simple and d'ble entry.	5	
Object Lessons	Form, size, colour, weight, common objects (parts and qualities).	The subject continued.	Common objects; (source, manufacture, uses, etc.) Animals, birds, plants.	Animal life; wild and domestic.	The subject continued.	4	
Drawing	Straight lines and their simpler combinations. Elementary figures.	The subject continued.	Drawing of objects.	The subject continued.	.....	4	
Music	Simple songs....	The subject continued.	Simple songs. Elementary ideas of written music, where possible.	Singing. Musical notation, where possible.	Sacred music; musical notation where possible.	2	
Calisthenics	Simple exercises. Kindergarten songs.	The subject continued.	The subject continued, with drill, including fire drill.	The subject continued.	The subject continued.	3	3
Algebra and Geometry	.....	.....	.....	.....	Elementary algebra; Euclid, books 1 and 2, with deductions.		

o Percentage of time per week for each subject, suggested for the guidance of teachers.

LIST OF BOOKS AUTHORIZED FOR USE IN THE PROTESTANT SCHOOLS.

ENGLISH.

Canadian Readers published by W. J. Gage, & Co., Toronto:

1st Primer	6 cents.
2nd Primer	10 "
2nd Book	25 "
3rd Book	40 "
4th Book	50 "
5th Book	60 "
6th Book	90 "
Gage's Practical Speller	30 "
Morrison's English Composition	45 "
Miller's Swinton's Language Lessons	25 "
Mason's Outlines of English Grammar	45 "
Mason's Advanced Grammar	75 "
Spalding's English Literature	90 "

GEOGRAPHY AND HISTORY.

Geikies' Physical Geography	30 "
Canada Publishing Co's. Map Geography	75 "
Creighton's Epoch Primer of English History	30 "
Creighton's Epoch Series of English History	90 "
(or in parts, 20 and 50 cents.)	
Withrow's Canadian History	
Freeman's Europe (History Primer)	

MATHEMATICS.

Kirkland & Scott's Elementary Arithmetic	25 "
Hamblin Smith's Arithmetic	75 "
McLellan's Mental Arithmetic:	
Part 1	30 "
Part 2	45 "
Hamblin Smith's Elementary Algebra	90 "
Potts' Euclid:	
Books 1 and 2	30 "
Complete Edition	50 "
Hamblin Smith's Geometry:	
Books 1 and 2	30 "
Books 2 and 3	30 "
Complete Edition	60 "
Gage's Standard Book-keeping	70 "

WRITING AND DRAWING

McMillan's N.W.T. Copy Books	10 "
Walter Smith's Primary Drawing Cards, (per set)	15 "
Do do Intermediate Drawing Books	10 "

BOOKS RECOMMENDED FOR TEACHERS' USE.

Baldwin's Art of School Management	$ 1 50
McLellan's Teachers' Handbook of Algebra	1 25
McLellan & Kirkland's Examination papers in Arithmetic	75
Hughes' Mistakes in Teaching	50
Do How to Secure and Retain Attention	25
Do Drill and Calisthenics	40

Walter Smith's Primary Drawing Manual	$ 50
Do do Intermediate Manual	1 25
Buckton's Health in the House	90
Browning's Educational Theories	1 00
Kingdergarten Song Book	
Spotton's or Gray's Botany	

N.B.—Teachers are recommended to subscribe for a least one leading educational magazine.

GENERAL MANAGEMENT.

6. The regulations of the board of education referring to the general management and discipline of schools under its control shall be the regulations for the general management and dicipline of all protestant schools.

REGULATIONS OF THE ROMAN CATHOLIC SECTION OF THE BOARD OF EDUCATION.

[*Passed 15th March,* 1888.]

1. The programme hereinafter given shall be the programme of studies, in both English and French, for the Roman catholic schools in the North-west Territories, and the teaching shall be made from the books named in connection with each subject of study.

2. A time-table, showing the percentage of time to be devoted per week on each subject, shall be prepared by the teacher of every school, subject to the approval of the local inspector, and shall, with such approval written thereon, be posted in a conspicuous place in the school room; provided always that in schools, open during part of the year only, at least seventy-five per cent of the time each week shall be assigned to the teaching of reading, writing, spelling, composition, arithmetic and religious instruction.

PROGRAMME OF STUDIES AND LIST OF BOOKS.

Subject.	Elementary Course.	Intermediate Course.	Superior Course.
Reading	*English course.*—Metropolitan Readers. Dominion catholic series—to the 3rd Reader, inclusive.	*English course.*—Same book as for elementary course, to the 4th Reader, inclusive, or David's Psalm Book.	*English course.*—Same books as for intermediate course, 5th Book, and reading of manuscript.
Lecture	*Cours Français.*—Monpetit ou Frères des Écoles Chrétiennes. Jusqu' au 3me livre inclusivement.	*Cours Français.* — Mêmes livres que pour le cours elémentaire. Jusqu' au 4e livre inclusivement.	*Cours Français.*—Mêmes livres, 5e livre et lecture du manuscrit.
Spelling	*English course.*—Same book as for reading to 3rd Reader, inclusive.	*English course.*—Same books as for reading to the 4th Reader, inclusive.	*English course.*—Same books as for reading. 5th Book.
Epellation	*Cours Français.* — Mêmes livres que pour lecture. Jusqu'au 3e livre inclusivement.	*Cours Français.* — Mêmes livres que pour lecture. Jusqu' au 4e livre.	*Cours Français.*—Mêmes livres que pour lecture, 5e livre.
Grammar	*English course.*—Lessons in English, by Christian Brothers, elementary course; or Masson's Elementary to participle, inclusive.	*English course.*—Lessons in English, by Christian Brothers, intermediate course; or Masson's intermediate, to syntax of participles, inclusive.	*English course.*—Lessons in English, by Christian Brothers, superior course, or Masson's superior course. Complete knowledge.
Grammaire	*Cours Français.* — Lecons en Français, par les Frères des Écoles Chrétiennes, Cours élémentaire; Grammaire Française, mêmes auteurs. Jusq'aux participes inclusivement.	*Cours Français.*—Leçons en Français, par les Frères des Écoles Chrétiennes, cours intermédiaire; Grammaire Française, mêmes auteurs. Jusqu'à la syntaxe des participes. inclusivement.	*Cours Français.*—Leçons en Français, par les Frères des Écoles Chrétiennes. cours supérieur; Grammaire Française, mêmes auteurs. Toute la grammaire.

PROGRAMME OF STUDIES AND LIST OF BOOKS—*Continued.*

Subject.	Elementary Course.	Intermediate Course.	Superor Course.
Composition	*English course.*—Narrations on easy and usual subjects; correspondence	*English course.*—On given subjects and analysis of selected passages.	*English course.*—Narrations, discourses, logical analysis.
Composition	*Cours Français.*—Narrations sur sujets faciles et usuels; correspondance.	*Cours Français.*—Sur sujets donnés et analyse de morceaux choisis.	*Cours Français.*—Narrations, discours, analyse logique.
Geography	*English course.*—Christian Brothers, elementary course.	*English course.*—Christian Brothers, intermediate course.	*English course.*—Christian Brothers, superior course.
Géographie	*Cours Français.*—Frères des Écoles Chrétiennes, Cours élémentaire.	*Cours Français.*—Frères des Écoles Chrétiennes, cours intermédiaire.	*Cours Français.*—Frères des Écoles Chrétiennes, cours supérieur.
History	*English course.*—Sacred history (compendium of, by Christian Brothers) the whole book. History of Canada (compendium of, by Christian Brothers) under the French rule. History of England by Lingard, to the Conquest	*English course.*—History of Canada (compendium of), by Christian Brothers, under the English rule. History of England, by Lingard, from the Conquest to Henry VII., inclusive.	*English course.*—History of Canada (compendium of), by Christian Brothers, the whole. History of England, by Lingard, the whole.
Histoire	*Cours Français.*—Histoire Sainte, abrégée par les Frères des Écoles Chrétiennes, tout le volume. Abrégé de l'Histoire du Canada, par les Frères des Écoles Chrétiennes, sous la domination française. Précis, Histoire d'Angleterre par Drioux, jusqu'à la conquête.	*Cours Français.*—Histoire du Canada, abrégée par les Frères des Ecoles Chretiennes, sous la domination Anglaise. Histoire d'Angleterre, Précis, par Drioux, depuis la conquête jusqu'à Henri VII inclusivement.	*Cours Français.*—Histoire du Canada, des Frères des Écoles Chretiennes, tout le volume. Histoire d'Angleterre, Précis par Drioux, tout le volume.
Arithmetic	*English course.*—Introduction to commercial Arithmetic, by Christian Brothers, to fractions, inclusive.	*English course.*—Commercial arithmetic, by Christian Brothers, percentage, interests, discount, book-keeping, by single entry, inclusive, and elements of double entry.	*English course.*—Commercial Arithmetic, by Christian Brothers, superior course, to the mensuration, inclusive.
Arithmétique	*Cours Français.*—Introduction de l'Arithmétique Commerciale, par les Frères des Écoles Chrétiennes. Jusqu'aux fractions inclusivement.	*Cours Français.*—Arithmétique commerciale, par les Frères des Ecoles Chrétiennes; percentage, intérêt, escompte, tenue des livres par entrée simple, inclusivement, et éléments par entrée double.	*Cours Français.*—Arithmétique commerciale, des Frères des Écoles Chrétiennes, cours supérieur. Jusqu'à la mensuration inclusivement.
Religious Instruction	*English course.*—Butler's Catechism, the whole book.	*English course.*—Butler's Catechism, the whole book, History of the Bible, first part.	*English course.*—History of the Bible, the whole book.
Instruction Religieuse	*Cours Français.*—Catéchisme de Québec, en entier.	*Cours Français.*—Catéchisme de Québec, en entier; Abrégé du Catéchisme de Persévérance (Gaume), première moitié.	*Cours Français.*—Abrégé du Catéchisme de Persévérance (Gaume), tout l'ouvrage.

PROGRAMME OF STUDIES AND LIST OF BOOKS—*Concluded.*

Subject.	Elementary Course.	Intermediate Course.	Superior Course.
Writing	*English course.*—Canadian Calligraphy to No. 4, inclusive.	*English course.*—Canadian Calligraphy, to No. 6, inclusive.	*English course.*—Canadian Calligraphy, end of the series.
Ecriture	*Cours Français.*—Calligraphie canadienne, jusqu' au no. 4, inclusivement.	*Cours Francais.*—Calligraphie canadienne, jusqu' au no. 6 inclusivement.	*Cours Français.*—Calligraphie canadienne, fin de la serie.
Vocal Music	*English course.*—Tonic Solfa Method, elementary part.	*English course.*—Tonic Solfa Method, intermediate course.	*English course.*—Tonic Solfa Method, superior course.
Musique Vocale	*Cours Français.*—Même que dans le cours anglais.	*Cours Français.*—Même que dans le cours anglais, partie intermédiaire.	*Cours François.*—Même que dans le cours anglais, partie supérieure.
Drawing	*English course.*—Colling's Progressing Drawing Books, from no. 1 to no. 5, inclusive; National Method, by E. M. Temple, elementary course.	*English course.*—Colling's Progressing Drawing Books, to no. 13, inclusive; National Method by E. M. Temple, intermediate course.	*English course.*—Colling's Progressing Drawing Books, to end of the series; National Method, by E. M. Temple, superior course.
Dessin	*Cours Français.*—Même que dans le cours anglais.	*Cours Français.*—Même que dans le cours anglais.	*Cours Français.*—Comme dans le cours anglais.
Hygiene	.....	*English course.*—Health in the House, by Catherine M. Burton.	.....
Literature	.....	.....	*English course.*—History of English Literature, by Chateaubriand.
Litérature	.....	.....	*Cours Français.*—Histoire de la Littérature Anglaise, par Chateaubriand.
Algebra	.....	.....	*English course*—Todhunter's Algebra, to the quadratic equation, inclusive.
Algèbre	.....	.....	*Cours Français.*—Eysséric et Pascal, jusqu' au 4e dégré, inclusivement.
Geometry	.....	.....	*English course.*—Pott's Euclid, 1st and 2nd book.
Géométrie	.....	.....	*Cours Français.*—Eysséric et Pascal, 1er et 2e livres.
Chemistry	.....	.....	*English course.*—H. E. Roscoe, 2nd Book.
Chimie	.....	.....	*Cours Français.*—Précis de Physique et de Chimie, par Drioux.
Botany	.....	.....	*English course*—Gray's how plants grow.
Botanique	.....	.....	*Cours Français.*—Drioux, Elémentaire, L'abbé Moyen (sulpicien).

GENERAL MANAGEMENT.

3. The regulations of the board of education referring to the general management and discipline of schools under its control shall be the regulations for the general management and discipline of all Roman catholic schools.

AMENDMENTS TO THE REGULATIONS OF THE BOARD OF EDUCATION OF THE NORTH-WEST TERRITORIES, AND OF THE SECTIONS THEREOF.

[*Adopted* 10*th September*, 1890.]

Section 19 is hereby amended by striking out all the words after "annually" in the fifth line.

Section 21 is hereby amended by substituting the word "three" for the word "two," where it occurs in the third line of said section, and by adding the following words, "but the time in each case may be extended at the discretion of the board."

Sections 22, 23 and 24 are hereby repealed and the following substituted in lieu thereof:

Section 22. Teachers' certificates are granted as follows:—

(1.) A third class professional certificate, valid for three years from the date of issue, to any person who has passed the required examination, and either holds a normal school diploma or the inspector's endorsements approved by the board.

(2.) A first or second class professional certificate, graded A or B, as the case may be, and valid during the pleasure of the board, to any person who has passed the required examination, and either holds a normal school diploma or the inspector's endorsements, approved by the board, of three years' successful teaching.

(3.) A first class professional certificate, valid during the pleasure of the board, to graduates in arts of any university in her majesty's dominions who furnish evidence of having had normal training, or of having taught school successively for five years within the ten years immediately preceding their application to this board for a certificate.

(4.) A first class license to teach, good for five years, to any graduate in arts of any university in her majesty's dominions who has had no normal training and has not taught for five years, to enable such graduate to take any position except that of principal of a union school.

(5.) A license to teach, good until the next examination of teachers, to any person who produces a professional certificate obtained in any part of her majesty's dominions, and valid where obtained.

Section 25 is hereby amended by striking out the word "August" in the second line thereof, and substituting therefor the word "July."

Section 26 is hereby amended by adding thereto the following words: "and a fee of two dollars shall be sent with such application."

Section 27 is hereby amended by adding thereto the following words: "The fees received shall be forwarded with such notification, and the secretary shall account therefor."

Section 29 is hereby amended by striking out the word "June" in the third line thereof, and substituting therefor the word "May;" and by striking out the word "September" in the fourth line thereof, and substituting therefor the word "August."

Section 44 is hereby repealed and the following substituted therefor:—44. The subjects of examination for third class certificates shall be the subjects prescribed in standard v of the programme of studies for schools under the control of the protestant section of the board, or in the intermediate course of the programme of studies for schools under the control of the Roman catholic section of the board.

The following books are prescribed for the use of candidates for third class certificates:—By the protestant section: Ontario Public School English Grammar; Morrison's English Composition; Canada Publishing Co's. Geography; Collier's

School History of the British Empire; Withrow and Adam's History of Canada: Hamblin Smith's Arithmetic; Ontario High School Algebra (pt. I.); MacKay's Euclid; McLean's Book-keeping; Literature, selections prescribed in High School Reader; Ontario Public School Agriculture; Baldwin's Art of School Management; Browning's Educational Theories; Hughes' Drill and Calisthenics; By the Roman catholic section: As published, and amend by adding to the list of books for English candidates the Ontario Public School Agriculture.

Section 45 is hereby repealed and the following substituted therefor:—45. The subjects of examination for second class certificates shall be the subjects prescribed in standard vi of the programme of studies for schools under the control of the protestant section of the board, or in the superior course of the programme of studies for schools under the control of the Roman catholic section of the board.

The following books are prescribed for the use of candidates for second class certificates:—By the protestant section: Stopford Brooke's English Literature; Ontario High School English Grammar; Williams' Composition; Huxley's Elementary Physiology; Catherine Buckton's Health in the House; Geikie's Physical Geography; Collier's School History of the British Empire; Withrow & Adam's History of Canada; McLean's Book-keeping; Ontario High School Algebra (pt. 1); MacKay's Euclid; Baldwin's Art of School Management; Browning's Educational Theories; Hughes' Drill and Calisthenics. Ontario Public School Agriculture. By the Roman catholic section: As published, and amend by adding to the list of books for English candidates the Ontario Public School Agriculture.

Section 46 is hereby amended by substituting the following for the list of books prescribed for the use of candidates for first class certificates by the protestant section, in lieu of the list published: Spalding's History of English Literature; Ontario High School English Grammar; Bain's Rhetoric and Composition; Green's Shorter History of the English People; Withrow's Canadian History (Large Edition); Kirkland's Elementary Statics; Hamblin Smith's Elementary Hydrostatics; Balfour Sewart's Elementary Physics; Spotton's Botany; Huxley's Elementary Physiology; Buckton's Health in the House; Roscoe's Elementary Chemistry; Todhunter's Advanced Algebra; Ontario High School Algebra (pts. I. and II.); Geikie's Ppysical Geography; MacKays Euclid; Baldwin's Art of School Management; Browning's Educational Theories; Hughes' Drill and Calisthenics.

THE FOLLOWING AMENDMENTS HAVE BEEN MADE IN THE PROGRAMME OF STUDIES FOR SCHOOLS UNDER THE CONTROL OF THE PROTESTANT SECTION OF THE BOARD:—

Under the subject "reading" in standard v strike out the words, "Fifth Reader," and substitute therefor the words, "Ontario High School Reader."

Under the subject "arithmetic," in standard i, after the word "division" in the 6th line, add the following words: "mentally, and in addition and subtraction on slates;" and after the word "rules" in the 10th line, add the following words: "mentally, and in addition, subtraction and multiplication on slates."

Under the subject "geography," in standard iv, strike out all the words, and substitute the following: "Subject continued, with Canada particularly, and general geography," and in standard v, add the words, "subject continued."

Under the subject "history," in standard iv, read "principal events in Canadian history," and in standard v, read "English and Canadian history."

After the subject "history," add the subject "literature:" and in standard iv, for this new subject, read "subject commenced, with selections from the Fourth Reader." And in standard v, read "subject continued, with selections from the High School Reader."

Under the subject "book-keeping," in standard iv, after the word "drafts" read "single entry."

Under the subject "drawing," in standard v, read "the subject continued; high school course commenced."

Under the subject "algebra," in standard v, read "elementary algebra, to the end of simple equations, in the prescribed text book."

Under the subject "geometry," in standard v, read "Euclid, book i, with easy deductions."

After the subject "geometry," add the subject "agriculture," and in standard iv, read "subject commenced." And in standard v, read "the subject continued."

Add also the following as an optional subject, "needlework, etc.;" and read, "one hour per week may be devoted to teaching needlework, etc., at the discretion of the trustees."

AMENDMENTS TO THE PROGRAMME OF STUDIES FOR SCHOOLS UNDER THE CONTROL OF THE ROMAN CATHOLIC SECTION OF THE BOARD:—

In the intermediate course and in the superior course, add the subject "agriculture; Ontario Public School Agriculture."

REGULATIONS WITH RESPECT TO UNION SCHOOLS.

1. The head teacher of every high school branch of a union school shall be styled the principal of such school.

2. The principal shall be a graduate in arts of some university in her majesty's dominions, or have attainments which, in the opinion of the board, are equivalent thereto, and must also be able to satisfy the board as to his knowledge and ability to conduct such a school, and to train teachers according to the most approved methods of teaching.

3. The maximum salary for the principal of any union school shall not exceed eighteen hundred dollars per annum.

4. The following books and apparatus shall be provided for each union school by the trustees thereof:—*An Encyclopædia*—Britannica, Chambers, International or Appleton's. *An Unabridged Dictionary*—Webster, Worcester or imperial. *A Gazetter*—Lippincott. *A Biographical Dictionary*—Lippincott. *English History*—Green and Knight's History of the English People, or Lingard. *General History*—E. A. Freeman, Merivale's General history of Rome, from the Foundation of the City to the Fall of Augustus. *Natural Science*—Deschanel; Fowne's and Roscoe's Chemistry; Gray's New Manual of Botany; Physiological Charts. *English Literature*—Chamber's Encyclopædia of English Literature; Spalding or Taine; Minto's Manual of Prose Literature; Characteristics of English Poets—Minto; Shakespeare's Life, Art and Characters—Hudson; Dowden's Art of Shakespeare; Rolfe's Shakespeare; Victorian Poets—Stedman. *Classics*—Andrew's Lexicon (Lat.-Eng.); Liddell and Scott's Lexicon (Greek-Eng.); (larger editions); Smith's Classical Dictionary; Butler's Classical Atlas and Sketch of Ancient Geography. *Geography*—Ritter; Guyot's Earth and Man; Guyot's Physical Geography; Guyot's Common School Geography; King's Aims and Methods in Geography. *Maps*—Classical Maps of Italia, Graecia, Asia Minor and Gallia. The necessary apparatus for teaching botany, chemistry and physics.

ENTRANCE EXAMINATION.

5. (1) The regular entrance examination for pupils for the high school branch shall be in writing, and shall be held yearly before the close of the first term.

(2) There shall be papers set on reading, spelling, composition, writing, arithmetic, grammar, history, elementary English literature, book-keeping (single entry) and drawing, all as prescribed in standard iv of the programme of studies for protestant schools, and in the intermediate course in the programme of studies for Roman catholic schools.

(3) The papers shall be prepared, and the results declared by the board of examiners. The examination shall be conducted by the head teacher or principal of the school. When the examination is over and the results have been ascertained, the papers, together with the marks obtained, shall be sent to the secretary of the board of education, to be filed, and the secretary shall notify the head teacher or principal of the results.

(4) In order to pass the examination a candidate must obtain twenty-five per cent of the marks attached to each of the subjects of examination, and forty per cent of the total number of marks.

(5) Pupils, who come into the district after the regular examination has been held, and who are thought to be qualified for admission, may be placed by the principal in the high school branch until the ensuing entrance examination, when they shall be required to pass such examination.

(6) Teachers holding all classes of certificates, except provisional, shall be eligible for entrance to the high school branch of union schools.

PROGRAMME OF STUDIES.

6. The following shall be the course of studies in the high school branch of union schools:—For protestant schools: (*a*) Standard v., as amended, in programme of studies. (*b*) Standard vi. *Reading*—High school reader, with recitations. *Spelling*—From reading lessons and dictation. *Composition*—Further extension of the subject from standard v. *Writing*—The subject continued, *Arithmetic*—The whole of Hamblin Smith's Arithmetic. *Calisthenics and Drill*—The subject continued. *Grammar*—A thorough knowledge of the Ontario High School English Grammar. *Geography*—Map geography generally, with Canada and the British empire more particularly; map drawing. *History*—A review of English and Canadian history. *Literature*—English and Canadian. *Book-keeping*—Single and double entry. *Drawing*—Ontario high school course continued. *Algebra*—To the end of quadratic equations. *Geometry*—Euclid, definitions and books 1 and 2, with deductions. *Physiology and Hygiene*—Buckton's "Health in the House," and Huxley's Elementary Physiology. *Latin*—Smith's Principia Latina (pt. I); or Harkness' Introductory Latin Book; Cæsar de Bello Gallico. *French*—Fasquell's Lessons in French. *Chemistry*—Theoretical. *Botany*—Spotton's. *Agriculture*—Ontario Public School Agriculture. (*c*) Standard vii, will be prescribed early in 1891. For Roman catholic schools: (*d*) Review of the intermediate course. Superior course commenced and continued. *Geography*—General; Canada and the British empire more particularly; map drawing. *Literature*—English and Canadian; Withrow and Adam, and Stopford Brooke. *Calisthenics and Drill*—continued. *French*—Fasquell's Lessons in French. *Latin*—Smith's Principia Latina, (pt. I.); or Harkness' Introductory Latin Book; Cæsar de Bello Gallico. *Agriculture*—Ontario Public School Agriculture.

NORMAL SESSIONS IN UNION SCHOOLS.

7. Every union school shall have, when required by the board of education, a normal school department, in which one session shall be held in each year, to be conducted by the inspector for the district, when directed to do so, or by such other competent person as the board may approve of. Every such session of the normal school shall open on the first Monday in November, and close on the 24th December for third class teachers, and on the last Friday in March for first and second class teachers.

8. The course of instruction during such session shall include: The history, science and art of education; methodology; school organization and management; school hygiene; school law drill and calisthenics; and practical teaching.

Text-books prescribed for the use of teachers: (*a*) For first and second class teachers: McLellan's Applied Psychology; Bain's Education as a Science; Fitch's Lectures on Teaching; White's Elements of Pedagogy; Quick's Educational Reformers; Janet's Elements of Morals; Knight's Chemistry; Baldwin's Art of School Management; The School Law of the Territories; Hughes' Drill and Calisthenics. (*b*) For third-class teachers: Quick's Educational Reformers; Fitch's Lectures on Teaching; Janet's Elements of Morals; Baldwin's Art of School Management; The School Law of the Territories; Hughes' Drill and Calisthenics.

9. All students in attendance at any normal department shall provide themselves with such books as they are required to use.

10. Such persons as desire to attend the normal department of any union school shall notify the secretary of the board of education of their intention, not later than the 15th day of September in each year; and shall state: (*a*) Age last birthday; (*b*) Class of certificate held; (*c*) The name of the union school they desire to attend. Each such notification shall be accompanied by a certificate of good moral character.

11. All persons who have passed the non-professional examinations for first, second or third class teachers' certificates, shall be eligible for admission to the normal department of any union school.

12. Students admitted to any normal department shall be required to present themselves at the opening of the session, to be punctual and regular in their attendance, and to perform faithfully the duties assigned them.

13. Any student whose conduct or deportment during any session is not satisfactory, shall be reported to the board of education, and his name shall be taken off the roll, or his case otherwise dealt with, as the board may determine.

14. Students who, at the close of each session, have passed a written examination in the subjects included in the course of instruction, and whose aptitude in teaching is found satisfactory, shall be entitled to have their non-professional certificates exchanged for professional certificates of the same class and grade.

15. Any student whose aptitude in teaching is reported, at the close of a normal school session, to be superior, shall be entitled to receive a professional certificate of grade A of the class he then holds.

16. No person who has obtained a third class professional certificate shall be entitled to a professional certificate of a higher class, without a further attendance at the normal department, for the additional time required for such certificate, or unless certified as an efficient teacher by the inspector.

17. Any student attending a normal session shall be obliged to attend such classes, in standard vi, in the programme of studies of the protestant section, or in the superior course of the Roman catholic section, as the inspector may, in his judgment, deem necessary.

18. The examinations, at the close of a normal session, shall be conducted by the teacher thereof, and when the examination is over and the results have been declared, the papers, together with the marks obtained, shall be sent to the secretary of the board of education.

GENERAL REGULATIONS.

Inspectors of schools are empowered to grant permission to teachers to attend teachers' conventions, and to visit schools for the purpose of gaining knowledge in the methods and art of teaching. Such permission shall be given to applicants in writing by the inspector.

The time allowed for visiting schools shall not exceed one day at a time, and not more than two days in any one term. Inspectors shall recommend the most desirable schools in the inspectorates for teachers to visit.

No deduction shall be made from a teacher's salary for the time he is absent attending a teachers' convention or visiting schools, when he has obtained permission as above provided.

Teachers are recommended to subscribe for at least one leading educational magazine.

AUTHORIZED LIST OF TEXT-BOOKS.

List of Books authorized for use in schools under the control and management of the protestant section of the board of education:—

ENGLISH.

The Ontario Readers, published by the Canada Publishing Co., (Ld.), Toronto:

First Reader, (part i)	$ 10
First Reader, (part ii)	15
Second Reader	25
Third Reader	35

Fourth Reader	$ 50
High School Reader, published by Rose Publishing Co	60
Gage's Practical Speller	30
Morrison's English Composition	45
Williams' Composition	60
Bain's Rhetoric and Composition	1 75
Stopford Brooke's English Literature	30
Spalding's English Literature	1 00
Connor & Adam's High School English Word Book	50
Ontario Public School Grammar	25
Ontario High School Grammar	75

GEOGRAPHY AND HISTORY.

Geikie's Physical Geography	$ 1 75
Canada Publishing Co's Public School Geography	75
Withrow & Adam's Canadian History and Literature	75
Collier's School History of the British Empire	50
Withrow's Canadian History, (larger edition)	
Green's Shorter History of the English people	1 50

MATHEMATICS.

Ontario Public School Arithmetic	$ 25
Hamblin Smith's Arithmetic	75
McLellan's Mental Arithmetic, (parts i and ii)	30 & 45
Ontario High School Algebra, (parts i and ii)	65
Todhunter's Advanced Algebra	1 75
MacKay's Euclid	75
McLean's High School Book-keeping	65

WRITING AND DRAWING.

McMillan's N.W.T. Copy Books	$ 10 each
Walter Smith's Primary Drawing Cards	15 set
do Intermediate Drawing Books	10 each
Ontario High School Series of Drawing Books	20 each

MISCELLANEOUS.

Ontario Public School Agriculture	$ 40
Roscoe's Elementary Chemistry	1 60
Knight's High School Chemistry	75
The Canadian Music Course, in 3 books	15, 20 & 25
Buckton's "Health in the House"	90
Huxley's Elementary Physiology	1 60
Kirkland's Elementary Statics	1 10
Hamblin Smith's Elementary Hydrostatics	80
Balfour Stewart's Elementary Physics (Primer)	30
Balfour Stewart on Heat, etc	2 50
Smith's Principia Latina (part I)	1 00
Harkness' Introductory Latin Book	50
Cæsar de Bello Gallico	75
Fasquell's Lessons in French	65
Spotton's Botany	1 00

BOOKS RECOMMENDED FOR TEACHERS' USE.

McLellan's Applied Psychology	1 00
Bain's Education as a Science	1 75
White's Elements of Pedagogy	1 75
Fitch's Lectures on Teaching	1 00

Quick's Educational Reformers	$ 1 50
Janet's Elements of Morals	1 75
Baldwin's Art of School Management	1 50
Browning's Educational Theories	1 00
McLellan's Teacher's Handbook of Algebra	1 25
McLellan & Kirkland's Examination Papers in Arithmetic	75
Hughes' Mistakes in Teaching	50
Hughes' How to Secure and Retain Attention	25
Hughes' Drill and Calisthenics	40
Walter Smith's Primary Drawing Manual	50
Walter Smith's Intermediate Manual	1 25
Catherine Buckton's Health in the House	90
Teachers' Handbook "Canadian Music Course"	50
Kindergarten Song Book	

REGULATIONS WITH RESPECT TO TEACHERS' EXAMINATIONS AND ENTRANCE EXAMINATIONS TO UNION SCHOOLS.

Regina, 3rd September, 1891.

GENERAL RULES.

1. The necessary papers shall be sent by the secretary of the board of education, by registered letter, to the officer presiding at the examination, under seal, so as to be received by him in time for the examination.

2. All examinations shall be held in the most convenient school house, to be selected by the inspector, who shall make all suitable arrangements for holding the examination. It shall be obligatory on the trustees of any school district, upon application of the inspector, to place the school house, or suitable room in it, at his disposal for the purpose of holding examinations therein.

3. Upon the examination day the candidates being all seated in their places, the presiding officer shall break the seal of the packet containing the questions in the presence of the candidates, and shall proceed to deliver a proper copy of the questions to each candidate. Blank paper for answering the questions, shall be furnished to each candidate by the presiding officer. No book or means of reference whatever shall be allowed to be within the reach of any candidate, and any candidate availing himself of any means of reference, by whatever way obtained, or having any communication, during the hours of examination, with any one, except the officer in charge of the examination, will not be allowed to continue his examination.

4. Any such case shall be reported by the presiding officer to the board of education.

5. The presiding officer shall not leave the examination room during the hours of examination.

6. If any candidate desires to leave the examination room, he must be requested to deliver up to the presiding officer the paper at which he was working, before he leaves, and be told at the same time he will not be allowed to resume the examination upon the subject of that particular paper which he had then given up.

7. One set of questions upon one subject only will be permitted to a candidate at one time, specified in the time-table furnished by the board of examiners.

8. At the close of the examination the presiding officer shall collect the examination papers of the candidates and forward them, together with a report of any special circumstances that may have arisen during the examination, under seal to the secretary of the board of education.

RULES TO BE OBSERVED BY CANDIDATES.

9. Each candidate shall, upon the first day of examination, hand to the presiding officer, a slip of paper containing the following information: 1. Age on last birthday. 2. Kind of certificate last held (if any,) and where obtained. 3. Name of normal school (if any) where trained. 4. Length of experience in teaching. 5.

Name and address of person signing certificate of moral character. 6. Candidate's name in full. 7. Candidate's post-office address.

10. Candidates shall be in their places punctually at the appointed time, and shall, when the order to stop writing is given, obey it immediately. No candidate shall be permitted to make any alterations in his answers, after they are once handed in, or put in supplementary answers, and no extra time shall be given those who arrive late.

11. Candidates in preparing their answers shall write on one side only of each sheet, placing the number of each page at the top in the right hand corner. Having written his name at the bottom of each page, and having arranged his answer papers in the order of the questions, each candidate shall fold his paper once across from the bottom upward, and write on the outside, on separate lines, (1) the name of the place of examination, (2) his name, (3) the class of certificates for which he is a candidate, and (4) the name of the subject.

12. In the event of a candidate copying from another, or allowing another to copy from him, or taking into the room in which the examination is held anything from which he can derive assistance in the examination, it shall be the duty of the presiding officer, if he obtains clear evidence of the fact at the time of its occurrence, to cause such candidates at once to leave the room: neither shall such candidate be permitted to enter during the remaining part of the examination, and his name shall be struck off the list of candidates. If, however, the evidence of such copying be not clear at the time, or if it be obtained after the conclusion of the examination, the presiding officer must report the case to the board of education.

TEACHERS' ANNUAL EXAMINATION.

13. The annual examination of candidates for certificates shall commence on the first Tuesday of July in each year, at such places as may be decided upon by the school inspectors, of which due notice shall be given by them.

14. Two months' notice of their intention to attend the examination shall be given by candidates to the inspector of schools for the district in which they intend to be present for examination, and a fee of two dollars shall be sent with such application.

15. One month's notice of the number of candidates for each grade of certificate who purpose attending the examination shall be given by the inspectors to the secretary of the board of education. The fees received shall be forwarded with such notification, and the secretary shall account therefor.

16. No male, under seventeen years of age, nor female, under fifteen, shall be allowed to write at the examination.

17. For the purposes of examination the subjects shall be grouped as follows:—

(*a*) THIRD CLASS.

Group I.—Geography and history.
" II.—Grammar, composition and literature.
" III.—Arithmetic, algebra, geometry and book-keeping.
" IV.—Science and art of teaching.
" V.—Reading, writing and dictation.
" VI.—Agriculture and drawing, (optional.)

(*b*) FIRST AND SECOND CLASSES.

Group I.—Geography and history.
" II.—Grammar, composition and literature.
" III.—Arithmetic, algebra, geometry and book-keeping.
" IV.—Science and art of teaching, school law and physiology and hygiene.
" V.—Reading, writing and dictation.
" VI.—Botany, chemistry, statics, hydrostatics and physics.
" VII.—Drawing, (optional for second class).
" VIII.—Agriculture, Latin and French, (optional).

18. In order to pass the examination a candidate must obtain the following per centage of marks:—

(*a*) THIRD CLASS.

Twenty per cent of the marks attached to each of the subjects of examination; thirty-five per cent of the marks attached to each group of subjects; and fifty per cent of the total number of marks.

(*b*) FIRST OR SECOND CLASS (GRADE B.)

Twenty per cent of the marks attached to each of the subjects of examination; thirty-five per cent of the marks attached to each group of subjects; and fifty per cent of the total number of marks.

(*c*) FIRST OR SECOND CLASS (GRADE A.)

Thirty-five per cent of the marks attached to each of the subjects of examination; fifty per cent of the marks attached to each group of subjects; and seventy per cent of the total number of marks.

19. SUBJECTS OF EXAMINATION FOR THIRD CLASS CANDIDATES, WITH PRESCRIBED TEXT-BOOKS.

Reading.—To be able to read any passage selected from the reader with proper pronunciation, expression, emphasis, inflection and force. Text-books.—Protestant candidates, High School Reader. Roman catholic candidates, Metropolitan Fifth Reader.

Dictation.—To be able to write correctly any passage from the reader; the papers written on the other subjects must also be free from orthographical errors. Text-book.—As for Reading.

Composition and Prose Literature.—To be acquainted with the construction of sentences, the rendering of poetry into prose, the forms of business and general correspondence, the writing of themes and the rules of punctuation. Text-books.—For all candidates—Williams' Composition. Literature—Selections to be prescribed.

Writing.—To be able to write legibly and neatly.

Arithmetic.—To be thoroughly acquainted with the subject as far as percentage, including interest and discount. Text-book.—For all candidates—Hamblin Smith's Arithmetic.

Grammar.—To be acquainted with the elements of English grammar; etymology and syntax; exercises; correction of false syntax. Text-book.—For all candidates—Ontario Public School Grammar.

Geography.—To be acquainted with the general geography of the world, and of North America and the British empire in particular; and to have a good general knowledge of the form and motions of the earth, and their connection with climate, the seasons and the divisions of time. Text-book.—For all candidates—The Canada Publishing Co.'s Geography.

History.—To have a good general knowledge of the history of England and Canada. Text-book.—For all candidates—Buckley & Robertson's High School History of England and Canada. English History—chapter xix to xxvi inclusive; Canadian—chapters i to viii inclusive.

History of Literature and Poetical Selections.—To be familiar with the selections prescribed for study and to have a knowledge of the life and works of their authors. Text-books.—For protestant candidates—High School Reader. For Roman catholic candidates—Metropolitan Fifth Reader.

Book-keeping.—To have an elementary knowledge of book-keeping, and to be familiar with the chief commercial forms and terms. Text-book.—For all candidates—McLean's High School Book-keeping, pages 1 to 134.

Drawing.—To have a knowledge of freehand drawing, and to be familiar with the books of the high school course. Text-book.—For all candidates—Walter Smith's Intermediate Freehand Drawing Book, pages 1 to 70.

Algebra.—To have a knowledge of the subject to the end of simple equations. Text-book.—For all candidates—Ontario High School Algebra (pt. I), pages 1 to 240.

Geometry.—Euclid, book I, with easy deductions. Text-book.—For all candidates —McKay's Elements of Euclid.

Agriculture.—Chapters I to XI inclusive. Text-book.—For all candidates—Ontario Public School Agriculture.

Science and Art of Teaching.—As contained in the prescribed text-books. Text-books.—For all candidates—Baldwin's Art of School Management; Browning's Educational Theories; Hughes' Drill and Calisthenics.

N.B.—Agriculture and Drawing shall be optional "bonus" subjects for candidates for third-class certificates.

20. SUBJECTS OF EXAMINATION FOR SECOND CLASS CANDIDATES, WITH PRESCRIBED TEXT-BOOKS.

Reading.—To be able to read any extract in prose or verse with proper pronunciation, expression, emphasis, inflection and force. Text-books.—Protestant candidates—High School Reader. Roman catholic candidates—Metropolitan Fifth Reader.

Dictation.—To be able to write correctly an extract from any author. The papers written on other subjects must also be free from orthographical errors.

Composition and Prose Literature.—In addition to the work for third class, to show by the composition of abstracts, paraphrases or essays an acquaintance with the rules of punctation, and a fair mastery of the art of writing good English. Themes based upon the prose literature prescribed. Text-book.—For all candidates—Williams' Composition and Practical English. Literature—Selections to be prescribed.

Writing.—To be thoroughly acquainted with the principles of penmanship, and to be able to write a good running hand.

Arithmetic.—To have a thorough knowledge of the subject. Text-book.—For all candidates—Hamblin Smith's Arithmetic.

Grammar.—To have an elementary knowledge of the High School Grammar. Text-book,—For all candidates—Ontario High School Grammar, the larger text in the book.

Geography.—To have a thorough knowledge of map geography generally, with Canada and the British empire more particularly. Map drawing. Text-book.—For all candidates—The Canada Publishing Co's. Geography:

History.—To be thoroughly acquainted with the history of England and Canada. Text-book—For all candidates—Buckley and Robertson's High School History of England and Canada.

History of Literature and Poetical Selections.—To be acquainted with the outlines of the history of English literature from the time of Queen Anne to the present and to be familiar with the works prescribed for study. Text book—For all candidates—Stopford Brook's History of English Literature. Poetical selections to be prescribed.

Book-keeping—To be acquainted with book-keeping by single and double entry. Text-book—For all candidates—McLean's High School Book-keeping.

Drawing—To be acquainted with freehand drawing, practical geometry, perspective and object drawing. Text-book—For all candidates—Walter Smith's Intermediate Freehand Drawing Book, pages 1 to 238.

Algebra—To be thoroughly acquainted with the subject to the end of quadratic equations in the prescribed text-book. Text-book—For all candidates—Ontario High School Algebra, part i.

Geometry—Euclid, books i and ii, with deductions. Text-book—For all candidates—MacKay's Elements of Euclid.

Agriculture—Chapters i to xiv, inclusive. Text-book—For all candiaates—Ontario Public School Agriculture.

Physiology and Hygiene.—Elementary; to be acquainted with the processes of digestion, circulation and respiration and to be familiar with the ordinary laws of health. Text-books—For all candidates—Huxley's Elementary Physiology; Buckton's Health in the House.

School Law.—To be familiar with the provisions of the school ordinance and the regulations of the board of education.

Science and Art of Teaching.—To have a thorough knowledge of the subject as treated in the prescribed text-books. Text-books—For all candidates—Baldwin's Art of School Management; Browning's Educational Theories, Hughes' Drill and Calisthenics.

N.B.—Agriculture and Drawing shall be optional "bonus" subjects for candidates for second class certificates.

21. SUBJECTS OF EXAMINATION FOR FIRST CLASS CANDIDATES, WITH PRESCRIBED TEXT-BOOKS.

Reading—To be able to read an extract, in prose or verse, from any author with proper pronunciation, expression, emphasis, inflection and force.

Dictation—To be able to write correctly an extract from any author. The papers written on other subjects must also be free from orthographical errors.

Composition and Prose Literature—In addition to the work for second class, to show, by passing an examination on this subject and by the character of the answers on other subjects, an acquaintance with the rules of rhetoric and a habit of writing English with clearness, force and taste. Themes based upon the prose literature prescribed. Text-book—For all candidates—Williams' Composition and practical English. Literature—Selections to be prescribed.

Writing—To be thoroughly acquainted with the principles of penmanship, and to be able to write a good running hand.

Arithmetic and Mensuration—To have a thorough knowledge of arithmetic and the mensuration of surfaces and solids. Text-book—For all candidates—Hamblin Smith's Arithmetic.

Grammar—To have a thorough knowledge of the High School Grammar and to be acquainted with the origin and construction of the English language, and to show familiarity with its correct use in speaking and writing. Text-book—For all candidates—Ontario High School Grammar.

Geography—To have a thorough knowledge of the mathematical, physical and political geography of the world. Text-books—For all candidates—The Canada Publishing Co.'s Geography; Geikie's Physical Geography.

History—To be thoroughly acquainted with the history of England and Canada. Text-book—For all candidates—Buckley & Robertson's High School History of England and Canada.

History and Literature and Poetical Selections—To have a thorough acquaintance with English literature and its history, and to be able to give a critical analysis of a play from Shakespeare, or a work of some other author prescribed for examination. Text-book—For all candidates—Stopford Brook's history of English literature. Poetical selections to be prescribed.

Book-keeping—To be thoroughly acquainted with book-keeping by single and double entry. Text-book—For all candidates—McLean's high school book-keeping.

Drawing—To have a thorough knowledge of freehand drawing, practical geometry, perspective, object drawing and industrial designs, and to have an acquaintance with the general directions, principles and methods of teaching this subject. Text-book—For all candidates—Walter Smith's Intermediate Freehand Drawing Book.

Algebra—To have a thorough knowledge of the subject to the end of the binominal theorem. Text-book—For all candidates—Ontario High School Algebra, parts I and II.

Geometry—Euclid, books i, ii, iii, iv and vi, with deductions, and the definitions of book v. Text-book—For all candidates—MacKay's Elements of Euclid.

Physiology and Hygiene—To have a thorough knowledge of the subject as treated in the prescribed text-books. Text-books—For all candidates—Huxley's Elementary Physiology; Buckton's Health in the House.

Agriculture—To have a thorough knowledge of the subject as treated in the prescribed text-book. Text-book—For all candidates—Ontario Public School Agriculture.

Statics, Hydrostatics and Physics—To have a thorough knowledge of these subjects as treated in the prescribed text-books. Text-books—For all candidates—Kirkland's Elementary Statics; Hamblin Smith's Elementary Hydrostatics; Balfour Stewart's Elementary Physics.

Chemistry and Botany—To have a thorough knowledge of these subjects as treated in the prescribed text-books. Text-books—For all candidates—Roscoe's Chemistry; Spotton's Botany.

Latin—Cæsar de Bello Gallico*; Virgil*; Latin Prose Composition (Arnold), exercises i to xxiv, inclusive.

French—Grammar, Fasquelle-Sykes; composition; translation into French of short English sentences, and translation of easy passages from French into English; translation of passages from easy French authors*.

School Law—To be familiar with the provisions of the school ordinance and the regulations of the board of education.

Science and Art of Teaching—To have a thorough knowledge of the subject as treated in the prescribed text-books. Text-books—For all candidates—Baldwin's Art of School Management; Browning's Educational Theories; Hughes' Drill and Calisthenics.

N.B.—Agriculture, Latin and French shall be optional "bonus" subjects for candidates for first-class certificates.

ENTRANCE EXAMINATION TO UNION SCHOOLS.

22. The regular entrance examination for pupils to the high school branch of union schools shall be held annually before the close of the first term, and shall be conducted by the head teacher or principal of the school, unless otherwise directed. The general rules for conducting teachers' examinations, both with respect to presiding officers and candidates, shall apply, as far as applicable, to entrance examinations.

23. Examination papers shall be set on the several subjects, as prescribed in standard iv of the programme of studies for protestant schools, and in the intermediate course of the programme of studies for Roman catholic schools.

24. For the purpose of examination, the subjects shall be grouped as follows:—

Group I.—Geography and history.
" II.—Composition, grammar and literature.
" III.—Arithmetic and book-keeping.
" IV.—Reading, writing and dictation.
" V.—Agriculture and drawing. (Optional.)

25. In order to pass the examination, a candidate must obtain twenty per cent of the marks attached to each of the subjects of examination; thirty-five per cent of the marks attached to each group of subjects; and fifty per cent of the total number of marks.

26. Pupils who come into the district after the regular examination has been held, and who are thought to be qualified for admission, may be placed by the principal in the high school branch until the ensuing entrance examination, when they shall be required to pass such examination.

27. Teachers holding all classes of certificates except provisional, shall be eligible for admission to the high school branch of union schools.

28. SUBJECTS OF EXAMINATION FOR ENTRANCE EXAMINATION.

Reading—To be able to read any selection from the Fourth Reader intelligibly and expressively. *Dictation*—To be able to write correctly any passage selected from the Fourth Reader. *Composition*—Reproduction of the substance of the reading lessons; short historical tales; letter-writing. *Writing*—Based on copy-books. *Arithmetic*—To be acquainted with the subject as far as vulgar and decimal fractions, elementary percentage and interest. *Grammar*—To have a knowledge of the parts of speech and their inflections, the construc-

*Special books or works to be prescribed.

tion of sentences and the correction of grammatical errors; easy exercises in analysis and parsing. *Geography.*—To have a general knowledge of the map of the world, with Canada particularly, and general geography. Map drawing. *History.*—To be familiar with the principal events in Canadian history. *Literature.*—To be familiar with the selections prescribed for study from the Fourth Reader. *Book-keeping.*—To have an elementary knowledge of book-keeping, and to be familiar with the chief commercial forms and terms. *Drawing.*—To have a knowledge of freehand drawing, and to be familiar with the drawing books. *Agriculture.*—To be acquainted with the subject as far as chapter vii in the authorized text-book.

N.B.—Agriculture and drawing shall be optional "bonus" subjects for candidates at the entrance examination.

REGULATIONS OF THE COUNCIL OF PUBLIC INSTRUCTION GOVERNING TEACHERS' CERTIFICATES, 1894.

CERTIFICATES.

1. The classes of certificates named in subsection E, of section 7, of the school ordinance of 1892, may be obtained by fulfilling the following conditions;—(*a*) Furnishing a certificate of moral character of recent date. (*b*) Passing the prescribed non-professional examination. (*c*) Passing the prescribed professional examination. (*d*) Receiving a satisfactory report from an inspector after having taught one year in these Territories.

2. Certificates of the third class shall be valid for three years. All other certificates shall be valid during the pleasure of the council.

NON-PROFESSIONAL EXAMINATION.

THIRD CLASS.

1. *Reading*—The principles of orthoepy and elocution: oral reading. Text-book—The introductory chapters in the readers.

2. *Spelling and Writing*—Judged on all papers.

3. *English Grammar*—Etymology and syntax; exercises. Text-book—The Public School Grammar.

4. *Composition and Prose Literature*—(*a*) The structure of sentences and paragraphs; expansion and contraction of prose passages; synonyms; correction of errors; critical study of the prescribed prose literature in connection with the study of the principles of composition; letter writing; punctuation. (*b*) An essay from thirty to sixty lines in length, on one of a number of assigned subjects based upon the prescribed prose literature. This essay will be considered a test of the candidate's power to write English, rather than a proof of his knowledge of the subject written upon. Legible writing and correct spelling and punctuation will be regarded as indispensible. Text-book. Welsh's English Composition, or Williams' Composition and Practical English. Prose Literature—The Vicar of Wakefield (Classics for Children—Ginn & Co.)

5. *Poetical Literature*—Intelligent comprehension of and familiarity with the prescribed selections; memorization of the finest passages: oral reading. Prescribed selections—The following lessons in the High School Reader: xvii, xviii, xxviii, xxxi, xxxiii, xxxv, xli, xlii, xliii, xlvi, liv, lvi, lxvii, lxix, lxxi, lxxiii, lxxv, lxxxi, xc, ci, cv, cviii.

6. *History*—The leading events in Canadian and English history. Text-book.—Buckley & Robertson's High School History.

7. *Geography*—The general geography—physical, commercial and mathematical—of the world; geography of Canada and the British empire more particularly. Text-books.—The Public School Geography; Geography of the British Colonies by Dawson and Sutherland—McMillan & Co.

8. *Arithmetic*—Pure arithmetic; commercial arithmetic. Text-books—Hamblin Smith's Arithmetic to the end of chap. xxxi; also chaps. xxxiii and xxxiv. (Measurement of area and solidity.)

9. *Algebra*—Definitions, elementary rules, simple equations of one, two and three unknown quantities, problems. Text-book—C. Smith's Elementary Algebra, (Copp Clark), chaps. i to viii inclusive; or till mid-summer, 1894, The High School Algebra, chaps. i, ii, iii, iv, vi, x.

10. *Geometry*—Euclid, book i, with easy deductions. Text-book—MacKay's Elements of Euclid.

11. *Book-keeping*—McLean's High School Book-keeping, chapters 1 to 5 inclusive and chapters 8 and 10.

12. *Physiology and Hygiene*—Text-book—Manual of Hygiene, Ontario series, chaps. 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 22.

13. *Agriculture*—Definitions, plants, soil, tillage, crops, weeds, insects. Text-book—Ontario Public School Agriculture, chaps. i to xii inclusive.

14. *Physics*—The elements of Physics. Text-book—Gage's Introduction to Physical Science, chaps. i, ii, iii and iv.

SECOND CLASS.

1. *Reading*—The principles of elocution, oral reading.

2. *Spelling and Writing*—Judged on all papers.

3. *English Grammar*—A general knowledge of the High School Grammar.

4. *Composition and Prose Literature*—(*a*) The structure of sentences and paragraphs, expansion and contraction of prose passages, choice of words, figures of speech, punctuation, critical study of the prescribed prose literature in connection with the study of the principles of composition, rhetorical analysis of passages from prose authors not prescribed. (*b*) An essay, about sixty lines in length, on one of a number of assigned subjects bassed upon the prescribed prose literature. (See third class.) Text-books—Welsh's English Composition or Williams' Composition and Practical English. Prose Literature—Scott,—Quentin Durward; Black, Goldsmith (English Men of Letters series.)

5. *Poetical Literature*—Intelligent comprehension of and familiarity with the prescribed selections, memorization of the finest passages; oral reading. Scott,—The Lady of the Lake.

6. *History*—(*a*) English and Canadian history. (*b*) General history. Text-books—Buckley & Robertson's High School History. Swinton's Outlines of the World's History, sections i, ii and iii.

7. *Geography*—The general geography of the world, commercial and physical, geography of America and Europe, geography of the British empire. Text-book—The High School Geography, Geography of the British Colonies by Dawson and Sutherland—McMillan & Co.

8. *Arithmetic and Mensuration.*—Arithmetic in theory and practice. Areas of rectilinear figures; circle, sphere, cylinder, cone. Text-book.—Hamblin Smith's Arithmetic.

9. *Algebra.*—Definitions, elementary rules, simple equations of one, two and three unknown quantities, problems, factoring, highest common factors, lowest common multiples, fractions, equations with fractions, quadratic equations, simultaneous equations of the second degree, powers and roots, indices, surds. Text-books.—C. Smith's Elementary Algebra, chaps. i to xix, inclusive; or for 1894 corresponding topics in the High School Algebra.

10. *Geometry.*—Euclid, books i, ii and iii; deductions. Text-book.—MacKay's Elements of Euclid.

11. *Book-keeping.*—High School Book-keeping, chapters i to v, inclusive; chapters viii and x, précis-writing, indexing.

12. *Physics.*—The elements of physics. Text-book.—Gage's Introduction to Physical Science—Ginn & Co.

13. *Agriculture.*—The Public School Agriculture.

FIRST CLASS.

1. *Spelling and Writing.*—Judged on all papers.

2. *History of the English Language and Literature.* Text-books.—Lounsbury's History of the English Language—Henry Holt & Co. Stopford Brooke's English Literature (primer).

3. *Rhetoric and Composition.*—(*a*) Style, invention; the reading of prescribed prose selections in connection with the study of rhetoric. (*b*) An essay of about ninety lines in length on one of a number of assigned subjects based upon the prescribed prose selections. Text-book.—Genung's Practical Elements of Rhetoric—Ginn & Co. Prose Selections.—Selections i, ii, iii, iv, v, vii, ix, x, xi, xii, xiv, xvi, xviii, xxi, xxiii, xxiv, xxvi, in Handbook of Rhetorical Analysis by Genung. Scott's Quentin Durward.

4. *Poetical Literature.*—Critical reading of Shakespeare—The Merchant of Venice, Julius Cæsar.

5. *History.* Swinton.—Outlines of the World's History—American Book Company. Bagehot.—The English Constitution—Kegan Paul, Trench & Co. Bourinot.—Constitutional History of Canada—Dawson Bros., Montreal.

6. *Geography.*—The Eclectic Physical Geography—American Book Company.

7. *Algebra.*—C. Smith's Elementary Algebra.

8. *Geometry.*—Books i, ii, iii, iv; definition of book v; propositions 1, 2, 3 A, 4, 33 of book vi; deductions. Text-book.—MacKay or Todhunter.

9. *Trigonometry.*—Up to and inclusive of the solution of plane triangles. Text-book.—Hamblin Smith.

10. *Chemistry.* Text-book.—Kirkland's Experimental Chemistry.—Gage & Co.

11. *Botany.*—Elements of structural botany. Text-book.—Spotton's High School Botany.

12. *Physics*—The elements of physics. Text-book—Gage's Introduction to Physical Science.

MARKS REQUIRED TO PASS.

Candidates must obtain at least 34 per cent on each subject and 50 per cent on the total number of marks.

HIGH SCHOOL.

PRINCIPAL'S CERTIFICATE.

1. To have the degree of bachelor of arts from some university in her majesty's dominions.

2. To have a professional certificate of the first-class.

ASSISTANT'S CERTIFICATE.

To have a professional certificate of the first-class.

NOTE.—A certificate from a school of pedagogy is not valid as a license to teach.

SPECIALIST'S CERTIFICATE.

Specialists in drawing, music, elocution, calisthenics, etc., may secure certificates on such conditions, and for such periods as the council of public instruction may from time to time determine.

GENERAL.

The examination of candidates for teachers' non-professional certificates shall commence on the first Tuesday of July in each year at such places as the council of public instruction may announce.

Each candidate shall notify the superintendent of education, not later than June 1st, of the class of certificate for which he is an applicant and the place at which he desires to write. Such notice shall be accompanied by a fee of two dollars.

No male, under eighteen years of age nor female under sixteen, shall be allowed to write at these examinations.

A non-professional certificate shall not be valid as a license to teach.

PERSONS ELIGIBLE WITHOUT EXAMINATION.

1. A person holding a professional certificate of the first or second class, issued in Ontario or Manitoba since 1886, may receive a certificate of equal standing upon presenting: (*a*) A statement from the department of education in his own province that his certificate is still valid. (*b*) A certificate of moral character of recent date. (*c*) A certificate from his last inspector, of having taught successfully.

2. Persons holding non-professional certificates of the first or second class, issued in Ontario or Manitoba since 1886, may receive certificates of equal standing upon presenting proof of character and age.

3. Persons holding certificates from other provinces of the Dominion or from the British islands may receive certificates of such class as the council of public instruction may deem them entitled to.

4. Graduates of any university in her majesty's dominions may, on the presentation of proofs of scholarship, character and age, receive non-professional certificates of the first class.

5. Persons holding certificates of educational value from institutions other than those mentioned may receive such certificates as the council of public instruction may deem them entitled to.

PROMOTION.

In order to be promoted from standard iii to standard iv, pupils attending yearly schools must pass the examination to be held in the month of June in the following subjects, namely:—Reading, dictation, composition and language, arithmetic, geography and history, as prescribed in standard iii of the programme of studies.

In order to be promoted from standard iii to standard iv, pupils attending summer schools must pass the examination to be held in the month of September in the following subjects, namely:—Reading, dictation, composition and language, arithmetic, geography and history, as prescribed in standard iii of the programme of studies.

To be promoted from standard iv to standard v, a pupil must pass the entrance examination to the high school branch of union schools to be held in the month of June.

ALL CANDIDATES.

LITERATURE.

The pupil is expected to have an intelligent comprehension of all the lessons in the reader, but the following selections are prescribed for somewhat fuller study. Three-fifths of the paper in literature will be based on these selections and two-fifths on the remaining lessons.

IV TO V.

The Ontario Fourth Reader.—Lessons i, v, vii, viii, x, xii, xv, xvi, xviii, xix, xx, xxiv, xxxiii, xxxiv, xxxv, xxxvii, xl, xli, xlii, xliv, l, lii, liii, lv, lvi, lviii, lx, lxix, lxx, lxxi, lxxiv, lxxvi, lxxx, lxxxi, lxxxix.

III TO IV.

The Ontario Third Reader.—Lessons v, vi, vii, ix, x, xiv, xvii, xix, xx, xxii, xxiii, xxv, xxvi, xxx, xxxvi, xxxviii, xliii, xlv, xlvi, xlix, li, lii, lviii, lix, lxii, lxiv, lxviii, lxxi, lxxii, lxxv, lxxx, lxxxi, lxxxiii, lxxxv, xc.

MARKS REQUIRED TO PASS.

Candidates must obtain at least 34 per cent on each subject and 50 per cent on the total number of marks.

40
237

REGINA, 30th September, 1893.

CIRCULAR TO TEACHERS OF ROMAN CATHOLIC SCHOOLS IN THE TERRITORIES.

In reply to inquiries respecting "Readers" and examinations for promotion in Roman catholic schools, I am directed to forward the following minute, passed by the council of public instruction, 13th September, 1893 :—

"The regulations of the council of public instruction mailed to all schools on or about 16th August last, govern all examinations held under the direction of the council.

"The following readers are authorized for use in Roman catholic schools, in standards i and ii, and become compulsory after 1st January, 1894, viz. :—

"'The Dominion series' (Sadlier's Catholic Readers), parts i and ii, and the Second Reader; or, 'The Ontario Readers,' parts i, ii and the Second Reader."

In school districts where French is the vernacular, the school trustees may, upon obtaining the consent of an inspector in writing, use the Ontario series of Bi-lingual Readers, parts i, ii and the Second Reader, instead of the Dominion series or the Ontario Readers.

In all standards above the second, the Ontario Readers are prescribed after 1st January, 1894.

By order.

JAMES BROWN,

Secy., Council of Public Instruction.

RETURN

(40*d*.)

To an ADDRESS of the HOUSE of COMMONS, dated the 21st March, 1894, for copies of all petitions, memorials and correspondence, in reference to the appeal made in the name of the Roman catholic minority of the province of Manitoba, in reference to the School Laws of that province; also copies of reports to and orders in council in reference to the same; also copies of the case submitted to the Supreme Court of Canada respecting aforesaid appeal, and including factums and all materials in connection therewith, and copies of all judgments rendered and answers given by said court on or to the question referred to them.

JOHN COSTIGAN,
Secretary of State.

GOVERNMENT HOUSE, WINNIPEG, 25th February, 1893.

The Hon. the SECRETARY OF STATE,
Ottawa.

SIR,—Referring to the following telegram:

"LIEUT.-GOVERNOR OF MANITOBA, WINNIPEG.

"OTTAWA, 22nd February, 1893.

"The following order in council has been passed to-day:—

"'The committee of the privy council having considered the arguments advanced by Mr. Ewart on behalf of the petitioners in Manitoba, who have requested redress from your excellency with respect to certain statutes of the province relating to education, are of opinion that the important questions of law which were suggested in the report of the sub-committee to whom said petitions were referred, should be authoritatively settled before the appeal which has been asserted by said petitions be further proceeded with. The committee therefore advise that a case be prepared on this subject, in accordance with the provisions of the Act 54-55 Vict., chapter 25, and they recommend that if this report be approved, a copy thereof be transmitted by telegraph to his honour the lieutenant-governor of Manitoba, and to John S. Ewart, counsel for the petitioners, in order that if they be so disposed, the government of Manitoba and the said counsel may offer suggestions as to the preparation of such case and as to the questions which should be embraced therein.

"'W. B. IVES,
"'*President of the Privy Council.*"

Received by me from the honourable the president of the privy council, and transmitted by me upon the same day for the information and action of my government, I have been advised by my government with reference thereto, as follows:—

"WINNIPEG, February 24th, 1893.

"WALTER ROBERT BROWN, Esq.,
"Private Secretary to His Honour the
"Lieutenant-Governor.

"SIR,—In further answer to the communication received from you, dated 22nd instant, transmitting a copy of a telegram from the Honourable W. B. Ives, president of the privy council of Canada, relating to the order in council providing for a case with reference to certain statutes of this province relating to education, under the provisions of the Act 54-55 Vict., chapter 25, I am instructed to say that his honour's government does not deem it incumbent upon them to take any action in reference to the framing of such a case.

"His honour's government desires, however, to be put in possession of a copy of such case when settled, and of the date fixed for the argument thereof, in order to be in a position to consider in due time the advisability of being represented thereon.

"I have, etc,,

"J. D. CAMERON,
"*Provincial Secretary.*"

I have the honour to be, sir,
Your obedient servant,

JOHN SCHULTZ,
Lieutenant-Governor.

CERTIFIED COPY *of a report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 22nd April,* 1893.

On a report dated 20th April, 1893, from the acting minister of justice, submitting in conformity with the order of your excellency in council, dated 22nd February, 1893, and under the provisions of the Act 54-55 Vict., cap. 25, a draft which he has had prepared of a case for reference to the supreme court of Canada for hearing and consideration touching certain statutes of the province of Manitoba relating to education, and the memorials of certain petitioners in Manitoba complaining thereof.

The committee on the recommendation of the acting minister of justice advised that certified copies of the draft be transmitted, respectively, to the lieutenant-governor of Manitoba and to Mr. John T. Ewart, counsel for the petitioners, in order that if they be so disposed, the government of Manitoba and the said counsel for the petitioners may offer any suggestions or observations which they desire to make with respect to such case, and the questions which should be embraced therein, all which is respectfully submitted for your excellency's approval.

JOHN J. McGEE,
Clerk of the Privy Council.

OTTAWA, 20th April, 1893.

Case submitted to the supreme court of Canada by his excellency the governor general in council, pursuant to the authority of the revised statutes, chapter 135, intituled "An Act respecting the Supreme and Exchequer Courts," as amended by section 4, of chapter 25, of the acts of the parliament of Canada, passed in 54th and 55th year of her majesty's reign, intituled "An Act to amend chapter 135 of the revised statutes of Canada," intituled "An Act respecting the Supreme and Exchequer Courts."

Annexed hereto is an order of his excellency the governor general in council, made on the 29th of December, 1892, approving of a report of a sub-committee of council thereto annexed, upon certain memorials complaining of two statutes of the legislature of Manitoba, relating to education, passed in the session of 1890. The

memorials therein referred to and all correspondence in connection therewith are hereby made part of this case, together with all statutes, whether provincial, dominion or imperial, in any wise dealing with, or affecting the subject of education in Manitoba, and all proceedings had or taken before the court of queen's bench, Manitoba, the supreme court of Canada and the judicial committee of the privy council in the causes of Barrett *vs.* the City of Winnipeg, and Logan *vs.* the City of Winnipeg; and all decisions or judgments in such cases are to be considered as part of this case and are to be referred to accordingly.

The questions for hearing and consideration by the supreme court of Canada being the same as those indicated in the report of the subcommittee of council above referred to, are as follows:—

1. Is the appeal referred to in the said memorials and petitions and asserted thereby, such an appeal as is admissible by subsection 3 of section 93 of "The British North America Act, 1867," or by subsection 22 of "The Manitoba Act, 33 Victoria (1870) chapter 3 (Canada)?

2. Are the grounds set forth in the petitions and memorials such as may be the subject of appeal under the authority of the subsections above referred to?

3. Does the decision of the judicial committee of the privy council in the cases of Barrett *vs.* the City of Winnipeg, and Logan *vs.* the City of Winnipeg dispose of or conclude the application for redress based on the contention that the rights of the Roman catholic minority which accrued to them after the union under the statutes of the province have been interfered with by the two statutes of 1890 complained of in the said petitions and memorials?

4. Does subsection 3 of section 93 of "The British North America Act, 1867," apply to Manitoba?

5. Has his excellency the governor general in council power to make the remedial orders which are asked for in said memorials and petitions, assuming the material facts to be as stated therein?

6. Did the acts of Manitoba relating to education, passed prior to the session of 1890, confer on the minority a "right or privilege with respect to education" within the meaning of subsection 2 of section 32 of "The Manitoba Act," or establish a "system of separate or dissentient schools" within the meaning of subsection 3 of section 93 of "The British North America Act, 1867," if said section ninety-three be found to be applicable to Manitoba, and if so, did the two Acts of 1890 complained of affect the right or privilege of the minority in such a manner as to warrant an appeal thereunder to the governor general in council?

WINNIPEG, MAN., 4th May, 1893.

JOHN J. MCGEE, Esq.,
Clerk of the Privy Council, Ottawa, Ont.

DEAR SIR,—I have to acknowledge the receipt of your letter of the 22nd April, together with the documents to which it refers. In reply, I beg to repeat my previous suggestion to the effect that there should be referred to the supreme court all questions upon which, in the opinion of his excellency in council, there may be such doubt as to interfere with the granting of the prayers of the petitions filed on behalf of my clients. I can, of course, be of no assistance in ascertaining what such questions are. I may, however, be allowed to suggest with reference to the questions formulated in the draft case sent to me, the following for the consideration of his excellency in council:—

1. In the caption, the title of the statutes 54 and 55 Vict., 25, should be correctly stated.

2. The word "as" should be substituted for the word "of" in the sentence commencing "The questions for hearing."

3. In paragraph i, instead of "subsection 22," read "subsection 2 of section 22."

4. Add to the end of paragraph 2 the words "or either of them."

5. For paragraph 5, substitute the following:—

"(5.) Has his excellency the governor general in council power to make the declarations or remedial orders which are asked for in said memorials and petitions,

assuming the material facts to be as stated in the memorials and petitions, or has his excellency the governor general in council any other jurisdiction in the premises?"

In support of this suggestion, I beg to refer to the 4th and 5th paragraphs of the prayer of the petition which I had the honour to forward to you on the 31st day of October, 1892. It will be observed that while we there indicated the general nature of the relief to which we deem ourselves entitled, yet we ask "that such further or other declaration or order may be made as to your excellency the governor general in council shall, under the circumstances, seem proper; and that such directions may be given, provision made, and all things done in the premises for the purpose of affording relief to the said Roman catholic minority in the said province, as to your excellency in council may seem meet."

6. For paragraph 6 substitute the following:—

(6.) Did the acts of Manitoba relating to education, passed prior to the session of 1890, confer on or continue to the minority a "right or privilege in relation to education," within the meaning of subsection 2 of section 22 of the Manitoba Act; or establish a "system of separate or dissentient schools," within the meaning of subsection 3 of section 93 of "The British North America Act, 1867," (if said section 93 be found to be applicable to Manitoba), and if yea, in either case, did the two acts of 1890 complained of, or either of them, affect any right or privilege of the minority?

The principal amendment here suggested is the omission of the words which follow the above, viz.: "in such a manner as to warrant an appeal thereunder to the governor general in council." I beg to suggest that the question for the courts is whether any right or privilege has been affected; not whether it has been so affected as to warrant an appeal, which probably means an appeal which ought to be granted, for if an appeal is warranted it ought to be granted.

The question as I put it involves a mere question of law. As now framed it involves the further question whether some right or privilege having been interfered with, his excellency in council ought to entertain the appeal—ought to hold that the appeal was warranted.

I have the honour to be, sir,
Your obedient servant,
JOHN S. EWART.

CERTIFIED COPY *of a report of a Committee of the Honourable the Privy Council, approved by his Excellency the Governor General in Council on the 8th July,* 1893.

On a report dated 7th July, 1893, from the acting minister of justice, submitting that, in conformity with an order of your excellency in council, dated 22nd April, 1893, a draft case prepared for reference to the supreme court of Canada, touching certain statutes of the province of Manitoba relating to education, and the memorials of certain petitioners in Manitoba complaining thereof, was communicated to the lieutenant governor of Manitoba, and to Mr. John S. Ewart, Q.C., counsel for the petitioners, for such suggestions and observations as they might respectively desire to make in relation to such case and the questions which should be embraced therein.

No reply has been received from the lieutenant governor of Manitoba. Mr. Ewart, under date 4th May, 1893, has made certain observations and suggestions which he, the minister, has had under consideration. The minister upon such consideration has made some amendments to the draft case which he submits for your excellency's approval.

The minister recommends that the case, as amended, copy of which is herewith submitted, be approved by your excellency, and that copies thereof be transmitted to the lieutenant governor of Manitoba and to Mr. Ewart, with the information that the same is the case which it is proposed to be referred to the supreme court of Canada, touching the statutes and memorials above referred to.

The committee submit the same for your excellency's approval.

JOHN J. McGEE,
Clerk of the Privy Council.

OTTAWA, 7th July, 1893.

Case submitted to the supreme court of Canada, by his excellency the governor general in council, pursuant to the authority of the Revised Statutes of Canada, chapter 135, intituled "An Act respecting the Supreme and Exchequer Courts," as amended by section 4, of chapter 25, of the acts of the parliament of Canada, passed in 54th and 55th year of her majesty's reign, intituled "An Act to amend chapter 135 of the Revised Statutes, intituled 'An Act respecting the Supreme and Exchequer Courts.'"

Annexed hereto is an order of his excellency the governor general in council, made on the 29th of December, 1892, approving of a report of a sub-committee of council thereto annexed upon certain memorials complaining of two statutes of the legislature of Manitoba, relating to education, passed in the session of 1890. The memorial therein referred to and all correspondence in connection therewith are hereby made part of this case, together with all statutes, whether provincial, dominion or imperial, in anywise dealing with, or affecting the subject of education in Manitoba, and all proceedings had or taken before the court of queen's bench, Manitoba, the supreme court of Canada and the judicial committee of the privy council, in the causes of Barrett *vs.* the City of Winnipeg, and Logan *vs.* the City of Winnipeg; and all decisions or judgments in such cases are to be considered as part of this case and are to be referred to accordingly.

The questions for hearing and consideration, by the supreme court of Canada being the same as those indicated in the report of the sub-committee of council above referred to, are as follows:—

1. Is the appeal referred to in the said memorials and petitions and asserted there by such an appeal as is admissible by subsection 3, of section 93, of "The British North America Act, 1867" or by subsection 2, of section 22, of "Manitoba Act" 33 Victoria, 1870, chapter 3, (Canada)?

2. Are the grounds set forth in the petitions and memorials such as may be the subject of appeal under the authority of the subsections above referred to or either of them?

3. Does the decision of the judicial committee of the privy council in the cases of Barrett *vs.* the City of Winnipeg, and Logan *vs.* the City of Winnipeg, dispose of or conclude the application for redress based on the contention that the rights of the Roman catholic minority which accrued to them after the union under the statutes of the province have been interferred with by the two statutes of 1890, complained of in the said petitions and memorials?

4. Does subsection 3 of section 93 of "The British North America Act, 1867," apply to Manitoba?

5. Has his excellency the governor general in council power to make the declarations or remedial orders which are asked for in the said memorials and petitions, assuming the material facts to be as stated therein, or has his excellency the governor general in council any other jurisdiction in the premises?

6. Did the acts of Manitoba relating to education, passed prior to the session of 1890, confer on or continue to the minority a "right or privilege in relation to education" within the meaning of subsection 2 of section 22 of "The Manitoba Act" or establish a "system of separate or dissentient schools," within the meaning of sub-section 3 of section 93 of "The British North America Act, 1867," if said section ninety-three be found to be applicable to Manitoba, and if so did the two acts of 1890 complained of, or either of them, affect any right or privilege of the minority in such a manner that an appeal will lie thereunder to the governor general in council?

CERTIFIED COPY *of a report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the* 31*st July*, 1893.

On a report dated 20th of July, 1893, from the acting minister of justice, submitting with reference to his report of the 7th July instant, which was approved on the 8th July, 1893, submitting a case for reference to the supreme court of

Canada, touching certain statutes of the province of Manitoba, relating to education, and the memorials of certain persons complaining thereof: The minister recommends that the case, copy of which is appended to the above mentioned order in council, be referred to the supreme court of Canada for hearing and consideration, pursuant to the provisions of an act respecting the supreme and exchequer courts, Revised Statutes of Canada, chap. 135, as amended by 54 and 55 Victoria, chapter 25, section 4. The committee submit the same for your exellency's approval.

JOHN J. McGEE,

Clerk of the Privy Council.

CERTIFIED COPY *of a report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the* 15*th August*, 1893.

The committee on the recommendation of the acting minister of justice advise that pursuant to the provisions of the Act 54-55 Victoria, chapter 25, the attorney general of the province of Manitoba be notified that in accordance with an order of his excellency the governor general in council, dated the 31st day of July, 1893, a case touching certain statutes of the said province relating to education and the memorial of certain petitioners complaining thereof, was referred to the supreme court of Canada for hearing and consideration, and that such case will be heard at the next ensuing sittings of the said court, to wit, on the third day of October next, or so soon thereafter as may be. The committee further advise that a like notice be sent to Mr. John S. Ewart, Q.C., of Winnipeg, council for the petitioners. The committee advise that the attorney general for the province of Manitoba and Mr. Ewart be requested to acknowledge the receipt of such notice respectively.

The committee submit the same for your excellency's approval.

JOHN J. McGEE,

Clerk of Privy Council.

GOVERNMENT HOUSE, WINNIPEG, 20th February, 1894.

The Under Secretary of State, Ottawa.

SIR,—I have the honour to enclose herewith a copy of a letter this morning received from His Grace Archbishop Taché, of St. Boniface, together with a certified copy of the bill intituled "An Act to amend the Public Schools Act," which was read a third time on the 15th instant, to which it refers.

I have, etc.,

JOHN SCHULTZ,

Lieutenant Governor.

ST. BONIFACE, 16th February, 1894.

To His Honour the Lieutenant Governor of Manitoba,
Government House, Winnipeg.

Your honour is aware that the amendments proposed to the school laws have passed their third reading by a unanimous vote of all the protestant members of the legislative assembly, the four catholic members voting unanimously against. This circumstance alone proves that the school question is merely and simply a question of religion, and that catholics are perfectly justified when they say that they are victims to a religious persecution. Should your honour give the royal sanction to such an injustice it would become law, and all the catholic schools of the country would be forced to close their doors or to submit to dispositions contrary to the convic-

tions of true children of the church. Now, our fate is in the hands of your honour and our misfortune cannot be delayed except by the reserving of this new enactment for the good pleasure of his excellency the governor general.

With profound respect,

I remain your obedient servant,

ALEX.,

Arch. of St. Boniface, O.M.I.

I, Elias George Conklin, clerk of the legislative assembly and custodian of the statutes of the province of Manitoba, certify the subjoined to be a true copy of the original enactment passed in the legislative assembly of Manitoba in the second session of the eighth legislature, held in the fifty-seventh year of her majesty's reign.

Given under my hand and the seal of the legislative assembly of the province of Manitoba, at Winnipeg, the twentieth day of February, in the year of our Lord one thousand eight hundred and ninety-four.

E. G. CONKLIN,

Clerk of the Legislative Assembly of Manitoba.

Said act is hereby further amended by inserting therein immediately after section 88 the following section:—

88*a*. In every case in which the organization of a school district fails to be continued by reason of the non-election of trustees or the abandonment of the performance of their duties by trustees who have been duly elected or by reason of the resignation, death or removal of trustees and non-election of their successors, the council of the municipality in which such school district lies shall have full power and authority, and it shall be the duty of the said council to take charge of all the property of such school district, real and personal, and to administer the same for the benefit of the creditors of such school district, if any.

Any funds which arise from the administration of the said property shall after payment of liabilities be kept in a special account to the credit of such school district and disposed as nearly as may be in accordance with the provisions of section 89 of this act.

In case such school district is situated in more than one municipality the inspector in whose jurisdiction such school district is, shall direct the council of one of the municipalities in which such school district lies, to exercise the functions mentioned in the next preceding paragraph, and said council shall thereupon have all the authority and powers therein mentioned and set forth in reference to such school district.

[No. BILL. 1894.]

An Act to amend the Public Schools Act.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Manitoba, enacts as follows:—

1. Section 32 of chapter 127 of the Revised Statutes of Manitoba, is hereby amended by adding thereto the following subsection:

2. The inspector, when he investigates any complaint made under this section, shall have the same power and authority to administer oaths, summon witnesses, enforce their attendance and compel them to produce documents, and to give evidence on oath, as any court has in civic matters.

3. Section 115 of said chapter 127, is hereby amended by adding thereto the following subsections:

2. In computing the number of months for which school has been kept open in each school district during the current year every school which has been kept open in all during the year for one hundred and two teaching days shall be held to have been kept open for six months, and every school which has been kept open in al

during the year for two hundred and four teaching days shall be held to have been kept open for twelve months.

3. When any school has been closed in pursuance of the provisions of "The Public Health Act," the period during which such school has been closed, or in case such period exceeds thirty days, then thirty days of such period shall be computed as teaching days during which such school has been kept open.

4. Section 151 of said chapter 127 is hereby amended by adding thereto the following words "nor in the municipal grant under sections 115 and 116 of this act, nor shall any school assessment be levied or school taxes be collected for the benefit of such school."

5. Section 151 of said chapter 127 is hereby further amended by adding thereto the following subsection:

(2) In any case in which the department of education is of the opinion that a school has been conducted substantially according to the requirements of this section, and that any departure therefrom is of an unimportant character, and has been caused *bona fide* by mistake or inadvertence, the department may cause the usual porportion of the legislative grant to be paid to such school as in ordinary cases. This subsection shall not apply to the case of any school the conduct of which has been in violation of section 194 of this act.

6. Section 161 of said chapter 127 is hereby repealed and the following section substituted therefor:

161. The members of every board of rural school trustees shall hold their first meeting on the first Wednesday in January following the election, at the hour of two o'clock in the afternoon, at the usual place of meeting of such board. In cities, towns and villages the first meeting shall be held at such last place of meeting on the first Wednesday in January, at the hour of eight o'clock in the evening. Organization and any other business of the board may be proceeded with at such meeting.

THE SUPREME COURT OF CANADA, 1875.

OTTAWA, 26th February, 1894.

E. L. NEWCOMBE, Esq., Q.C.,
Deputy Minister of Justice, Ottawa.

SIR,—In the matter of certain statutes of the province of Manitoba relating to education and of the case referred to the supreme court of Canada for hearing and consideration by order in council bearing date the 31st day of July, 1893.

I have the honour to send herewith, for the purpose of being laid before his excellency the governor general in council, the answers to the questions submitted in the above matter and the reasons therefor, duly certified under the seal of the supreme court of Canada.

I have the honour to be, sir, your obedient servant,

ROBERT CASSELS, *Registrar.*

IN THE SUPREME COURT OF CANADA.

TUESDAY, the twentieth day of February, A.D. 1894.

Present:

The Honourable Sir HENRY STRONG, Knight, Chief Justice.
" Mr. Justice FOURNIER,
" Mr. Justice TASCHEREAU,
" Mr. Justice GWYNNE,
" Mr. Justice KING.

In the matter of certain Statutes of the province of Manitoba relating to Education.

The governor in council, by order in council bearing date the thirty-first day of July, one thousand eight hundred and ninety-three, numbered 2103 and passed pursuant to the provisions of "An Act respecting the Supreme and Exchequer

Courts, Revised Statutes of Canada, chapter 135, as amended by 54-55 Victoria, chapter 25, section 4, having referred to the supreme court of Canada for hearing and consideration a case touching certain statutes of the province of Manitoba relating to education, and the memorials of certain persons complaining thereof, the questions so referred for hearing and consideration being as follows:

1. Is the appeal referred to in the said memorials and petitions, and asserted thereby, such an appeal as is admissible by subsection 3 of section 93 of the British North America Act, 1867, or by subsection 2 of section 22 of the Manitoba Act, 33 Victoria (1870), chapter 3, (Canada)?

2. Are the grounds set forth in the petitions and memorials such as may be the subject of appeal under the authority of the subsections above referred to, or either of them?

3. Does the decision of the judicial committee of the privy council in the cases of Barrett *vs.* the City of Winnipeg, and Logan *vs.* the City of Winnipeg, dispose of or conclude the application for redress based on the contention that the rights of the Roman catholic minority which accrued to them after the union under the statutes of the province have been interfered with by the two statutes of 1890 complained of in the said petitions and memorials?

4. Does subsection 3 of section 93 of the British North America Act, 1867, apply to Manitoba?

5. Has his excellency the governor general in council power to make the declarations or remedial orders which are asked for in the said memorials and petitions, assuming the material facts to be as stated therein, or has his excellency the governor general in council any other jurisdiction in the premises?

6. Did the Acts of Manitoba relating to education, passed prior to the session of 1890, confer on or continue to the minority a "right or privilege in relation to education" within the meaning of subsection 2 of section 22 of the Manitoba Act, or establish a "system of separate or dissentient schools" within the meaning of subsection 3 of section 93 of the British North America Act, 1867, if said section 93 be found to be applicable to Manitoba, and if so, did the two acts of 1890, complained of, or either of them, affect any right or privilege of the minority in such a manner that an appeal will lie thereunder to the governor general in council?

And the said case having come before this court on the fourth day of October, in the year of our Lord one thousand eight hundred and ninety-three, the Honourable J. J. Curran, Q.C., her majesty's solicitor general for the dominion of Canada appeared to submit the said case on behalf of the crown, Mr. Ewart, Q.C., appeared to argue the said case on behalf of the said petitioners and memorialists, and Mr. Wade, Q.C., appeared on behalf of the province of Manitoba, but not to argue the said case in the interest of the said province, whereupon this court directed the hearing of the said case to stand over, and in the exercise of the powers conferred by 54–55 Victoria, chapter 25, section 4, substituted for the Revised Statutes of Canada, chapter 135, section 37, appointed Mr. Christopher Robinson, Q.C., to argue the said case in the interest of the said province of Manitoba, and the said case coming on for hearing before this court on the seventeeth day of October, in the year of our Lord one thousand eight hundred and ninety-three, in the presence of counsel aforesaid, whereupon and upon hearing Mr. Ewart, Q.C., for the said petitioners and memorialists and Mr. Robinson, Q.C., who appeared pursuant to the direction of the court, in the interest of the said province of Manitoba, the honourable the solicitor general and Mr. Wade, Q.C., not desiring to be heard, this court was pleased to direct that the said case should stand over for consideration, and the same having come before this court this day, this court did state its opinion on the said questions so submitted as aforesaid, and the opinion of the said court, and the answers to the said questions, and the reasons therefor, will appear from the judgments delivered by their lordships, a true copy of which said judgments is hereunto annexed.

All which is respectfully certified under the seal of the supreme court of Canada.

ROBERT CASSELS,
Registrar.

In the matter of certain Statutes of the province of Manitoba relating to Education.

SIR HENRY STRONG, C.J.—This case has been referred to the court for its opinion by his excellency the governor general in council pursuant to the provisions of "An Act respecting the Supreme and Exchequer Courts," Revised Statutes of Canada, chapter 135, as amended by 54 and 55 Victoria, chapter 25, section 4.

Six questions are propounded, which are as follows:

"1. Is the appeal referred to in the said memorials and petitions (referring to certain petitions and memorials presented to the governor general in council) and asserted thereby, such an appeal as is admissible by subsection 3 of section 93 of the British North America Act, 1867, or by subsection 2 of section 22 of the Manitoba Act, 33 Victoria (1870), chapter 3, (Canada)?

"2. Are the grounds set forth in the petitions and memorials such as may be the subject of appeal under the authority of subsections above referred to or either of them?

"3. Does the decision of the judicial committee of the privy council in the cases of Barrett *vs.* Winnipeg and Logan *vs.* Winnipeg dispose of or conclude the application for redress based on the contention that the rights of the Roman catholic minority which accrued to them after the union under the statutes of the province have been interferred with by the two statutes of 1890 complained of in the said petitions and memorials?

"4. Does subsection 3 of section 93 of the British North America Act, 1867, apply to Manitoba?

"5. Has his excellency the governor general in council power to make the declarations or remedial orders which are asked for in the said memorials and petitions, assuming the material facts to be as stated therein, or has his excellency the governor general in council any other jurisdiction in the premises?

"6. Did the acts of Manitoba passed prior to the session of 1890 confer on or continue to the minority a right or privilege in relation to education within the meaning of subsection 2 of section 22 of the Manitoba Act, or establish a system of 'separate or dissentient schools' within the meaning of subsection 2 of section 93 of the British North America Act, 1867, if said section 93 be found to be applicable to Manitoba; and, if so, did the two acts of 1890 complained of, or either of them, affect any right or privilege of the minority in such a manner that an appeal will lie thereunder to the governor general in council?"

To put it in a concise form, the questions which we are called upon to answer are whether an appeal lies to the governor general in council either under the British North America Act, 1867, or under the Dominion act establishing the province of Manitoba, against an act or acts of the legislature of Manitoba, passed in 1890, whereby certain acts or parts of acts of the same legislature, previously passed, which had conferred certain rights on the Roman catholic minority in Manitoba in respect of separate or denominational schools were repealed.

The matter was brought before the court by the solicitor general on behalf of the crown, but was not argued by him. On behalf of the petitioners and memorialists who had sought the intervention of the governor general, Mr. Ewart, Q.C., appeared. Mr. Wade, Q.C., appeared as counsel on behalf of the province of Manitoba when the matter first came on, but declined to argue the case, and the court then, in exercise of the powers conferred by 54 and 55 Vict., chap. 25, section 4, substituted for the Revised Statutes of Canada, chapter 135, section 37, requested Mr. Christopher Robinson, Q.C., the senior member of the bar practising before this court, to argue the case in the interest of the province of Manitoba, and on a subsequent day the matter was fully and ably argued by Mr. Ewart and Mr. Robinson.

The proper answer to be given to the questions propounded depends principally on the meaning to be attached to the words "any right or privilege of the protestant or Roman catholic minority of the queen's subjects in relation to education" in subsection 2 of section 22 of the Manitoba Act. Do these words include rights and privileges in relation to education which did not exist at the union, but (in the words of section 93, subsection 3 of the British North America Act) have been "thereafter established by the legislature of the province" or is this right or privilege

mentioned in subsection 2, section 22 of the Manitoba Act the same right or privilege which is previously referred to in sub-section 1, section 22 of the Manitoba Act, viz.: one which any class of persons had by law or practice in the province at the union, or a right or privilege other than one which the legislature of Manitoba had itself created? Section 93, subsection 3 of the British North America Act, 1867, is as follows: "Where in any province a system of separate or dissentient schools exists by law at the union or is thereafter established by the legislature of the province, an appeal shall lie to the governor general in council from any act or decision of any provincial authority affecting any right or privilege of the protestant or Roman catholic minority of the queen's subjects in relation to education."

It is important to contrast these two clauses of the acts in question, inasmuch as there is intrinsic evidence in the later act, that it was generally modelled on the imperial statute, the original Confederation Act, and the divergence in the language of the two statutes is therefore significant of an intention to make some change as regards Manitoba by the provisions of the later act.

It will be observed that the British North America Act, section 93, subsection 3, contains the words, "or is thereafter established by the legislature of the province," which words are entirely omitted in the corresponding section (section 22, subsection 2) of the Manitoba Act. Again the same subsection of the Manitoba Act gives a right of appeal to the governor general in council from the legislation of the province, as well as from any provincial authority, whilst by the British North America Act the right of appeal to the governor general is only to be from the act or decision of a provincial authority. I can refer this difference of expression in the two acts to nothing but to a deliberate intention to make some change in the operation of the respective clauses. I do not see why there should have been any departure in the Manitoba Act from the language of the British North America Act, unless it was intended that the meaning should be different. On the one hand it may well be urged that there was no reason why the provinces admitted to confederation should have been treated differently, why a different rule should prevail as regards Manitoba from that which by express words applied to the other provinces. On the other hand, there is, it seems to me, much force in the consideration that whilst it was reasonable that the organic law should preserve vested rights existing at the union from spoliation or interference, yet every presumption must be made in favour of the constitutional right of a legislative body to repeal the laws which it has itself enacted. No doubt this right may be controlled by a written constitution which confers legislative powers, and which may restrict those powers and make them subject to any condition which the constituent legislators may think fit to impose. A notable instance of this is, as my brother King has pointed out, afforded by the constitution of the United States, according to the construction which the supreme court, in the well known "Dartmouth College Case," put upon the provision prohibiting the state legislatures from passing laws impairing the obligation of contracts. It was there held, with a result which has been found most inconvenient, that a legislature which had created a private corporation could not repeal their own enactment, granting the franchise, the reason assigned being that the grant of the right of franchise of a corporation was a contract. This has in practice been got over by inserting in such acts an express reservation of the right of the legislature to repeal its own act. But as it is a *prima facie* presumption that every legislative enactment is subject to repeal by the same body which enacts it, every statute may be said to contain an implied provision that it may be revoked by the authority which has passed it unless the right of appeal is taken away by the fundamental law, the over-riding constitution which has created the legislature itself. The point is a new one, but having regard to the strength and universality of the presumption that every legislative body has power to repeal its own laws, and that this power is almost indispensable to the useful exercise of legislative authority since a great deal of legislation is of necessity tentative and experimental, would it be arbitrary or unreasonable or altogether unsupported by analogy to hold as a canon of constitutional construction that such an inherent right to repeal its own acts cannot be deemed to be withheld from a legislative body, having its origin in a

written constitution, unless the constitution itself by express words takes away the right.

I am of opinion that in construing the Manitoba Act, we ought to proceed upon this principle and hold the legislature of that province to have absolute powers over its own legislation untrammelled by any appeal to federal authority unless we find some restriction of its rights in this respect in express terms in the constitutional act.

Then keeping the rule of construction just adverted to in view, is there anything in the terms of subsection 2 of section 22 of the Manitoba Act by which the right of appeal is enlarged and an appeal from the legislature is expressly added to that from any provincial authority, whilst in the British North America Act, section 93, subsection 3, the appeal is confined to one from a provincial authority only, which expressly or necessarily implies that it was the intention of those who framed the constitution of Manitoba, to impose upon its legislature any disability to exercise the ordinary powers of a legislature to repeal its own enactments? I cannot see that it does, and I will endeavour to demonstrate the correctness of this opinion. It might well have been considered by the parliament of the Dominion in passing the Manitoba Act that the words "any provincial authority" did not include the legislature. Then, assuming it to have been intended to conserve all vested rights, "rights or privileges" existing by law or practice at the time of "the union" and to exclude or subject to federal control, even legislative interference with such pre-existent rights or privileges, this prohibition or control would be provided for by making any act or decision of the legislature so interfering the subject of appeal to the governor general in council.

If, however, the words of section 93, subsection 3, "or is thereafter established by the legislature" had been repeated in section 22, the legislature would have been in express and unequivocal terms restrained from repealing laws of the kind in question which they had themselves enacted, except upon the condition of a right to appeal to the governor general. If it was intended not to do this, but only to restrain the legislature of Manitoba from interfering with "rights and privileges" of the kind in question existing at the union, this end would have been attained by just omitting altogether from the clause the words "or shall have been thereafter established by the legislature of the province." This was done. Next, it is clear that in interpreting the Manitoba Act the words "any provincial authority" do not include the legislature, for that expression is there used as an alternative to the "legislature of the province."

It is not to be presumed that Manitoba was intended to be admitted to the union upon any different terms from the other provinces, or with rights of any greater or less degree than the other provinces. Some difference may have been inevitable owing to the difference in the pre-existing conditions of the several provinces. It would be reasonable to attribute any difference in the terms of union and in the rights of the province as far as possible to this, and by interpretation to confine any variation in legislative powers and other matters to such requirements as were rendered necessary by the circumstances and condition of Manitoba at the time of the union.

Now, let us see what would be the effect of the construction which I have suggested of both acts, the British North America Act, section 93, and the Manitoba Act, section 22, in their practical application to the different provinces as regards the right of provincial legislatures to interfere with separate or denominational schools to the prejudice of a Roman catholic or protestant minority.

First, then, let us consider the cases of Ontario and Quebec, the two provinces which had by law denominational schools at the union. In these provinces any law passed by a provincial legislature impairing any right or privilege in respect of such denominational schools, would, by force of the prohibition contained in subsection 3 of section 93 of the British North America Act, be *ultra vires* of the legislature and of no constitutional validity.

Should the legislatures of these provinces (Ontario and Quebec) after confederation have conferred increased rights or privileges in relation to education on

minorities, I see nothing to hinder them from repealing such acts to the extent of doing away with the additional rights and privileges so conferred by their own legislation without being subject to any condition of appeal to federal authority.

What is meant by the term "provincial authority"? The parliament of the Dominion, as shown by the Manitoba Act, holds that it does not include the legislature, for in subsection 2 of section 22 they use it as an alternative expression and so expressly distinguish it from the legislature. It is true the British North America Act did not emanate from the Dominion parliament, but nevertheless the construction which that parliament has put on the British North America Act if not binding on judicial interpreters is at least entitled to the highest respect and consideration. Secondly, the words "provincial authority" are not apt words to describe the legislature, and in order that a provincial legislature should be subjected to an appeal when it merely attempts to recall its own acts, the terms used should be apt, clear and unambiguous. To return, then, to the cases of Ontario and Quebec, should any "provincial authority" not including in these words the legislature, but interpreting the expression as restricted to administrative authorities (without at present going so far as to say it included courts of justice) by any act or decision affect any right or privilege, whether derived under a law or practice existing at the time of confederation, or conferred by a provincial statute since the union, still remaining unrepealed and in force, that would be subject to an appeal to the governor general.

Secondly, as regards the provinces of Nova Scotia and New Brunswick, those provinces not having had any denominational schools at the time of the union, there is nothing in their case for subsection 1 of section 93 to operate upon. Should either of these provinces by after-confederation legislation create rights or privileges in favour of protestant or catholic minorities in relation to education, then so long as these statutes remained unrepealed and in force an appeal would lie to the governor general from any act or decision of a provincial administrative authority affecting any of such rights or privileges of a minority, but there would be nothing to prevent the legislatures of the provinces now under consideration from repealing any law which they had themselves enacted conferring such rights and privileges, nor would any act so repealing their own enactments be subject to appeal to the governor general in council.

Thirdly, we have the case of the province of Manitoba. Here, applying the construction before mentioned, the provincial powers in relation to education would be not further restricted but somewhat enlarged in comparison with those of the other provinces. Acting upon the presumption that in the absence of express words in the act of the Dominion parliament which embodies the constitution of the provinces withholding from the legislature of the province the normal right of altering or repealing its own acts, we must hold that it was not the intention of parliament so to limit the legislature by the organic law of the province. What, then, is the result of the legislation of the Dominion as regards Manitoba? What effect is to be given to section 22 of the Manitoba Act? By the first subsection any law of the province prejudicing any right or privilege with respect to denominational schools in the province existing at the union is *ultra vires* and void. This clause was the subject and the only subject of interpretation in Barrett *vs.* Winnipeg, and the point there decided was, that there was no such right or privilege as was claimed in that case existing at the time of the admission of the province. Had any such right or privilege been found to exist, there is nothing in the judgment of the privy council against the inference that legislation impairing it would have been unconstitutional and void. That decision has, in my opinion, but a very remote application to the present case. The second subsection of section 22 of the Manitoba Act is as follows: "An appeal shall lie to the governor general in council from any act or decision of the legislature of the province or of any provincial authority affecting any right or privilege of the protestant or Roman catholic minority of the queen's subjects in relation to education." I put aside as entirely irrelevant here the question whether it was or was not intended by this subsection 2 to confer on the privy council of the Dominion appellate jurisdiction from the provincial judiciary, a question, the decision of which I may say in passing might

well be influenced by the consideration that the power given to parliament by the British North America Act to create federal courts had not at the time of the passage of the Manitoba Act been exercised. The first subject of appeal is then any act or decision of the legislature of the province affecting any right or privilege of the minority in respect of the matters in question. Now, if we are to hold, as I am of opinion we must hold, that it was not the intention of parliament by these words so to circumscribe the legislative rights conferred by them on Manitoba as to incapacitate that legislature from absolutely and without any subjection to federal control repealing its own enactments and thus taking away rights which it had itself conferred, the right of appeal to the governor general against legislative acts must be limited to a particular class of such acts, viz., to such as might prejudice rights and privileges not conferred by the legislature itself, but rights and privileges which could only have arisen before confederation, being those described in the first subsection of section 22. That we must assume in the absence of express words that it was not the intention of parliament to impose upon the Manitoba legislature a disability so anomalous as an incapacity to repeal its own enactments, except subject to an appeal to the governor general in council, and possibly the intervention of the Dominion parliament, as a paramount legislature, is a proposition I have before stated. Therefore the right of appeal to the governor general in council must be confined to acts of the legislature affecting such rights and privileges as are mentioned in the first subsection, viz., those existing at the union when belonging to a minority, either protestant or catholic. Then there would also be the right of appeal from any provincial authority.

I will assume that the description "provincial authority" does not apply to the courts of justice. Then these words "provincial authority" could not, as used in this subsection 2 of section 22 of the Manitoba Act, have been intended to include the provincial legislature, for it is expressly distinguished from it, being mentioned alternatively with the legislature: "An appeal shall lie from any act or decision of the legislature or of any provincial authority" is the language of the section. It must, then, apply to the provincial executive or administrative authorities. No doubt an appeal would lie from their acts or decisions upon the ground that some right or privilege existing at the date of the admission of the province to the federal union was thereby prejudiced. In this respect Manitoba would be in the same position as Ontario and Quebec. Unlike the cases of those provinces and also unlike the case of the two maritime provinces, Nova Scotia and New Brunswick, there would not, however, in the case of Manitoba, be an appeal to the governor general in council from the act or decision of any "provincial authority" upon the ground that some right or privilege not existent at the time of the union, but conferred subsequently by legislation, had been violated. This construction must necessarily result from the right of appeal against acts or decisions of provincial authorities and against acts or decisions of the legislature being limited to such as prejudiced the same class of rights or privileges. The wording of this subsection 2 shows clearly that only one class of rights or privileges could have been meant, and that the right of appeal was, therefore, to arise upon an invasion of these, either by the legislature or by a provincial authority. Then, as the impossibility of holding that it could have been intended to impose fetters on the legislature and to incapacitate it from absolutely repealing its own acts requires us to limit the appeal against its enactments to acts affecting rights and privileges existing at the union, it must follow that the right of appeal must be, in like manner, limited as regards acts or decisions of provincial authorities. This, however, although it makes a difference between Manitoba and the other provinces, is not a very material one. The provincial authorities would, of course, be under the control of the courts. They could, therefore, be compelled by the exercise of judicial authority to conform themselves to the law. Much greater would have been the difference between Manitoba and the other provinces if we were to hold that whilst, as regards the provinces of Nova Scotia and New Brunswick, their legislatures could enact a separate school law one session and repeal it the next, without having their repealing legislation called in question by appeal; and whilst, as regards Ontario and Quebec, although rights and privileges existing

at confederation were made intangible by their legislatures, yet any increase or addition to such rights and privileges which these legislatures might grant could be withdrawn by them at their own pleasure subject to no federal revision, yet that the legislation of Manitoba on the same subject should be only revocable subject to the revisory power of the governor general in council.

I have thus endeavoured to show that the construction I adopt has the effect of placing all the provinces virtually in the same position, with an immaterial exception, in favour of Manitoba, and it for the purpose of demonstrating this, that I have referred to appeals from the acts and decisions of provincial authorities which are not otherwise in question in the case before us.

That the words "any provincial authority" in the third subsection of section 93 of the British North America Act do not include the legislature is a conclusion which I have reached, not without difficulty. In interpreting the Manitoba Act, however, what we have to do is to ascertain in what sense the Dominion parliament, adopting the same expression in the Manitoba Act, understood it to have been used in the British North America Act.

That they understood these words not to include the provincial legislature, is apparent from section 22, subsection 2 of the Manitoba Act, wherein the two expressions "provincial authority" and "legislature of the province" are used in the alternative, thus indicating that in the intendment of parliament, they meant different subjects of appeal.

Again, why were the words contained in the third subsection of section 93 of the British North America Act "or is thereafter established by the legislature of the province" omitted when that section was, in other respects, transcribed in the Manitoba Act? The reason, it appears to me, is plain. So long as these words stood with the context they had in the British North America Act they did not in any way tie the hands of the provincial legislatures as regards the undoing, alteration or amendment of their own work, for the words "any provincial authority" did not include the legislature. But when, in the Manitoba Act, the Dominion parliament thought it advisable for the better protection of vested rights, "rights and privileges" existing at the union to give a right of appeal from the legislature to the governor general in council, it omitted the words "or is thereafter established by the legislature of the province" with the intent to avoid placing the provincial legislature under any disability or subjecting it to any appeal as regards the repeal of its own legislation, which would have been the effect if the third subsection of section 93 of the British North America Act had been literally re-enacted in the Manitoba Act with the words "of the legislature of the province" interpolated as we now find them in subsection 2 of the latter act.

This seems to me to show conclusively that the words "rights or privileges" in subsection 2 of section 22 were not intended to include rights and privileges originating under provincial legislature since the union, and that the legislature of Manitoba is not debarred from exercising the common legislative right of abrogating laws which it has itself passed relating to denominational or separate schools or educational privileges, nor is such repealing legislation made subject to any appeal to the governor general in council.

In my opinion, all the questions propounded for our opinion must be answered in the negative.

Certified a true copy.

C. H. MASTERS, *Asst. Rep. S.C.C.*

In the matter of certain Statutes of the province of Manitoba relating to Education.

FOURNIER, J.—By the statute 33 Vict., chapter 3, section 2, the provisions of the British North America Act, except so far as the same may be varied by the said act, are made applicable to the province of Manitoba in the same way and to the like extent as they apply to the several provinces of Canada, and as if the province of Manitoba had been one of the provinces united by the British North America Act. This act was imperialized, so to speak, by 34 Vict., chapter 38 (imp.), which declares

that 32 and 33 Vict., chapter 3 (D.), shall be deemed to have been valid and effectual for all purposes whatsoever.

If we are now called upon to construe certain provisions of this statute, it seems to me that the same consideration will apply as if these sections appeared in the British North America Act itself under the heading "Manitoba," and therefore, as stated by the late chief justice of this court, Sir W. Richards, in the case of Severn *vs.* The Queen (2 Can., S.C.R., 70): "In deciding important questions arising under the act passed by the imperial parliament for federally uniting the provinces of Canada, Nova Scotia and New Brunswick, we must consider the circumstances under which that statute was passed, the condition of the different provinces, their relation to one another, as well as the system of government which prevailed in those provinces and countries.

For convenience, therefore, I will place in parallel columns the sections of the Manitoba school act and the corresponding sections of the British North America Act, upon which we are required to give an answer.

British North America Act.	*Manitoba Act.*
Section 93.—In and for the province the legislature may exclusively make laws in relation to education, subject and according to the following provisions:	Section 22.—In and for the province the said legislature may exclusively make laws in relation to education, subject and according to the following provisions:
1. Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union.	1. Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have, by law or practice, in the province at the union.
2. All powers, privileges and duties at the union, by law conferred and imposed in Upper Canada on the separate schools and school trustees of the queen's Roman catholic subjects, shall be and the same are hereby extended to the dissentient schools of the queen's protestant and Roman catholic subjects in Quebec.	
3. Where in any province a system of separate or dissentient schools exists by law at the union, or it is thereafter established by the legislature of the province, an appeal shall lie to the governor general in council from any act or decision of any provincial authority affecting any right or privilege of the protestant or Roman catholic minority of the queen's subjects in relation to education.	2. An appeal shall lie to the governor general in council from any act or decision of the legislature of the province, or of any provincial authority, affecting any right or privilege of the protestant or Roman catholic minority of the queen's subjects in relation to education.
4. In case any such provincial law as from time to time seems to the governor general in council requisite for the due execution of the provisions of this section is not made, or in case any decision of the governor general in council on any appeal under this section is not duly executed by the proper provincial authority in that behalf, then, and in every such case, and as far only as the circumstances of each case require, the parliament of Canada may make remedial laws	3. In case any such provincial law as from time to time seems to the governor general in council requisite for the due execution of the provisions of this section is not made, or in case any decision of the governor general in council on any appeal under this section is not duly executed by the proper authority in that behalf, then, and in every such case, and as far only as the circumstances of each case may require, the parliament of Canada may make remedial laws for the due execution of

for the due execution of the provisions of this section and of any decision of the governor general in council under this section.

the provisions of this section and of any decision of the governor general in council under this section.

What was the existing state of things in the territory then being formed into the province of Manitoba? A rebellion, as I have already stated in the case of Barret *vs* Winnipeg, had thrown the people into a strong and fierce agitation, inflamed religious and national passions, caused the greatest disorder, which rendered necessary the intervention of the federal government.

As matters then stood, on the 2nd March, 1870, the government of Assiniboia, in order to pacify the inhabitants, appointed the Rev. Mr. Ritchot and Messrs. Black and Scott as joint delegates to confer with the government at Ottawa and negotiate the terms and conditions upon which the inhabitants of Assiniboia would consent to enter confederation with the provinces of Canada.

Mr. Ritchot was instructed to immediately leave with Messrs. Black and Scott for Ottawa in view of opening negotiations on the subject of their mission with the government at Ottawa.

When they arrived at Ottawa, the three delegates, Messrs Richot, Black and Scott received, on the 25th April, 1870, from the Hon. Mr. Howe, the then secretary of state for the dominion of Canada, a letter informing them that the Hon. Sir John A. Macdonald and Sir George Cartier had been authorized by the government of Canada to confer with them on the subject of their mission, and that they were ready to meet them.

The Rev. Mr. Ritchot was the bearer of the conditions upon which they were authorized to consent for the inhabitants of Assiniboia to enter confederation as a separate province. These facts appear in exhibit L, Sessional Papers of Canada, 1893, 33*d*, and in exhibit N of the same Sessional Paper we see that the following conditions, articles 5 and 7, read as follows:—

5. That all properties, all rights and privileges possessed be respected, and the establishing and settlement of the customs, usages and privileges to be left to the sole decision of the local legislature.

7. That the schools shall be separate, and that the moneys for schools shall be divided between the several denominations *pro rata* of their respective populations.

Now, after negotiations had been going on and despatches and instructions from the imperial government to the government of Canada on the subject of the entrance of the province of Manitoba into the confederation had been received, the Manitoba Constitutional Act was prepared and section 22 inserted as a satisfactory guarantee for their rights and privileges in relation to matters of education as claimed by the above articles 5 and 7. And, until 1890, the inhabitants of the province of Manitoba enjoyed these rights and privileges under the authority of this section and local statutes passed in conformity therewith.

Now, it seems by the decision of the judicial committee of the privy council in the case of Barrett *vs.* Winnipeg, that the delegates of the North-west and the parliament of Canada, although believing that the inhabitants of Assiniboia had before the union "by law or practice" certain rights and privileges with respect to denominational schools, for the words used in subsection 1 of this section 22 are "which any class have by law or practice in the province at the union," had in point of fact no such right or privilege by law with respect to denominational schools, and therefore that section 1 is, so to speak, wiped out of the Manitoba Constitutional Act.

But if the parties agreeing to these terms of union were in error in supposing they had by law or practice, prior to the union, certain rights or privileges they certainly were not in error in trusting that the provincial legislature which was being created would forthwith secure, by law and in accordance with article 5 of the bill of rights, separate schools, and that the moneys would be divided between the protestant and catholic denominations *pro rata* to their respective populations, as claimed by the above articles 5 and 7, and that once established, such rights and privileges so secured by an act of the legislature would at least be in the same position as rights secured to minorities in the provinces of Quebec and Ontario under

section 93 of the British North America Act, and subsections 2 and 3 were inserted in the act so that they might be protected by the governor general against any subsequent legislation by either a protestant or catholic majority in after years.

In the present reference, being again called upon to construe this same section 22, but as if subsection 1 was repealed or wiped out by judicial authority, we must, I think, take into consideration the historical fact that the Manitoba Act of 1870 was the result of the negotiations with parties who agreed to join and form part of the confederation as if they were the inhabitants of one of the provinces originally united by the British North America Act, and we must credit the parliament of Canada with having intended that the words "an appeal shall lie to the governor general in council from any act or decision of the legislature of the province or of any provincial authority affecting any right or privilege of the protestant or Roman catholic minority of the queen's subjects in relation to education" (which are also the words used in the 93rd section of the British North America Act) should have some effect. The only meaning and effect I can give them is that they were intended as an additional guarantee or protection to the minority, either protestant or catholic, whichever it might happen to be, that the laws which they knew would be enacted immediately after the union by their own legislature in reference to education would be in accordance with the terms and conditions upon which they were entering the union; this guarantee was given so as to prevent later on interference with their rights and privileges by subsequent legislation without being subject to an appeal to the governor general in council, should such subsequent act of the legislature affect any right or privilege thus secured to the protestant or catholic minority by their own legislature. In my opinion, the words used in subsection 2, "an appeal shall lie from any act of the legislature" necessarily mean from any statute which the legislature has power to pass in relation to education. There is no necessity of appealing from statutes which are *ultra vires*, for the assumption of any unauthorized power by any local legislature under our system of government is not remedied by appeals to the governor general in council, but by courts of justice. Then, as to the words "right or privilege" in this subsection 2, they refer to some right or privilege in relation to education to be created by the legislature which was being brought into existence and which when once established might thereafter be interfered with at the hand of a local majority so as to affect the protestant or catholic minority in relation to education. It is clear, therefore, that the governor general in council has the right of entertaining an appeal by the British North America Act as well as by subsection 2 of section 22 of the Manitoba Act. He has also the power of considering the application upon its merits. When the application has been considered by him upon its merits, if the local legislature refuses to execute any decision to which the governor general in council has arrived in the premises, the Dominion government may then, under subsection 3, section 22 of the Manitoba Act, pass remedial legislation for the due execution of his decision.

In construing as I have done the words of subsection 2 of the Manitoba Constitutional Act, which is, as regards an appeal to the governor general in council, but a reproduction of subsection 3 of section 93 of the British North America Act, that the clear unequivocal and comprehensive words "from any act or decision of the legislature of the province" are added, I am pleased to see that I am but concurring in the view expressed by Lord Carnarvon in the house of lords on the 19th February, 1867, when speaking of this right of appeal to be granted to minorities when a local act might affect rights or privileges in matters of education, as the following extract from Hansard's Parliamentary Debates, 3rd series, February 19th, 1867, shows: "LORD CARNARVON.—Lastly, in the 93rd clause, which contains the exceptional provisions to which I referred, your lordships will observe some rather complicated arrangements in reference to education. I need hardly say that the great question gives rise to nearly as much earnestness and division of opinion on that as on this side of the Atlantic. This clause has been framed after long and anxious controversy, in which all parties have been represented, and on conditions to which all have given their consent. It is an understanding which, as it only concerns the local interests affected, is not one that parliament would be willing to

disturb, even if in the opinion of parliament it were susceptible of amendment; but I am bound to add, as the expression of my own opinion, that the terms of the agreement appear to me to be equitable and judicious. For the object of the clause is to secure to the religious minority of one province the same rights, privileges and protection which the religious minority of another province may enjoy. The Roman catholic minority of Upper Canada, the protestant minority of Lower Canada, and the Roman catholic minority of the maritime provinces will thus stand on a footing of entire equality. But in the event of any wrong at the hand of the local majority, the minority have a right of appeal to the governor general in council, and may claim the application of any remedial laws that may be necessary from the central parliament of the confederation."

This being so, the next point of inquiry is whether the acts of 1890, of Manitoba, affect any right or privilege secured to the catholic minority in matters of education after the union, for we have now nothing to do with the inquiry whether the catholic minority had at the time of the union any right by law, that point having been decided adversely to their contention by the decision of the privy council in the case of Barrett *vs.* Winnipeg.

By referring to the legislation from the date of the union to 1890, it is evident that the catholics enjoyed the immunity of being taxed for other schools than their own, the right of organization, the right of self government, in this school matter, the right of taxation of their own people, the right of sharing in government grants for education, and many other rights under the statute of a most material kind. All these rights were swept away by the act of 1890, as well as the properties they had acquired under these acts with their taxes and their share of the public grants for education. Could the prejudice caused by the act of 1890 be greater than it has been? The scheme that runs through the acts of 1871 and 1881 up to 1890, as Lord Watson, of the privy council, is reported to have so concisely stated on the argument of the case of Barrett *vs.* Winnipeg, which is printed in the Sessional Papers of Canada, 1893, appears to have been that: "no ratepayers shall be taxed for contribution towards any school except one of his own denomination," and I will add that this scheme is clearly pointed out in articles 5 and 7 of the conditions above already referred to, which were the basis of the constitutional act.

Now, is this a legal right or privilege enjoyed by a class of persons? In this case the immunity from contributing to any schools other than one of its own denomination was acquired by the catholic minority qua-catholics by statute. Catholics certainly at the time the legislation was passed represented a class of persons comprising at least one-third of the inhabitants of the province of Manitoba.

After reading the able judgment delivered in the case of Barrett *vs.* Winnipeg, it is unnecessary for me to show by authority that the right so acquired by the catholic minority after the union by the act of 1871, was a legal right, and that if it is shown by subsequent legislation enacted by the legislature of the province of Manitoba that there has been any interference with such right, then I am of opinion that such interference would come within the very words of this section 22 of the Manitoba Constitutional Act, which gives a right of appeal to the governor general in council from an act of the legislature (words which are not in section 93 of the British North America Act, but are in subsection 2 of section 22 of the Manitoba Act), affecting a right acquired by the Roman catholic minority of the queen's subjects in relation to education.

The only other question submitted that I need refer to is the fourth question: Does subsection 3 of section 93 of the British North America Act, 1867, apply to Manitoba? The answer to this question is to be found in the second section of the Manitoba Act (33 Vict.) which says, from and after the said date "the provision of the British North America Act shall apply, except those parts thereof, which are in terms made, or by reasonable intendment, may be held to be, specially applicable to, or only to affect one or more but not the whole of the provinces now composing the Dominion, and except so far as the same may be varied by this act and be applicable to the province of Manitoba in the same way, and to the like extent as they apply to the several provinces of Canada, and as if the province of Manitoba had been one of the provinces originally united by the said act."

The Manitoba Act has not varied the British North America Act though subsection 2 of section 22 has a somewhat more comprehensive wording than the subsection 3 of section 93 of the British North America Act, in relation to appeal in educational matters. A statute does not vary or alter if it merely makes further provision; it is simply an addition to it. The second subsection is wider, but does not vary at all from the third subsection of the British North America Act, save in this: that there is addition to it, that it is exclusive, and goes beyond it by adding the words "and from any act of the legislature." The third subsection of the British North America Act provides that in two cases there is to be an appeal.

There is nothing inconsistent in the Manitoba Act, which says that in all cases there shall be an appeal; it goes beyond the British North America Act, it does not vary it, it leaves it as it is and adds to it.

We see by the opinion expressed by some of the lords of the privy council how far the right of appeal extended under the section 2 of the Manitoba Act, for in the argument on that question before the privy council, Sessional Papers, Nos. 33*a*, 33*b*, 1893, p. 134, I find that:

Mr. RAM, (counsel on behalf of Mr. Logan in the case of Winnipeg *vs.* Logan) said: "I venture to think that under subsection 2 what was contemplated was this, that, apart from any question of *ultra vires* or not, if a minority said 'I am oppressed' that was the party who had to come under that subsection, 2 and appeal to the government."

Lord HANNAN added: "It has a right to appeal against any act of the legislature."

Lord SHAND.—"Even *intra vires.*"

This being also my opinion, I will only add that, having already stated that I think that we should read the Manitoba Constitutional Act in the light of the British North America Act, and that it was intended, as regards all civil rights in educational matters, to place the province of Manitoba on the same footing as the provinces of Quebec and Ontario, and that subsection 1 of section 22 having been enacted for the purpose of protecting rights held by law prior to the union, but which have been declared not to exist, I am of opinion that subsection 2 provides for an appeal to the governor general in council, by memorial or otherwise, on the part of the Roman catholic minority, contending that the two acts of the legislative assembly of Manitoba, passed in 1890, on the subject of education are subversive to the right and privilege of Roman catholic ratepayers not to be taxed for contribution towards schools, except one of their own denomination, and that such right had been acquired by statute subsequent to the union.

For the above reasons, I answer the questions submitted by his excellency the governor general in council, as follows:

1. Is the appeal referred to in the said memorials and petitions, and asserted thereby, such an appeal as is admissible by subsection 3 of section 93 of the British North America Act, 1867, or by subsection 2 of section 22 of the Manitoba Act, 33 Victoria (1870), chapter 3 (Canada)? Yes.

2. Are the grounds set forth in the petitions and memorials such as may be the subject of appeal under the authority of the subsections above referred to, either of them? Yes.

3. Does the decision of the judicial committee of the privy council in the cases of Barrett *vs.* the City of Winnipeg and Logan *vs.* the City of Winnipeg, dispose of or conclude the application for redress based on the contention that the rights of the Roman catholic minority, which accrued to them after the union under the statutes of the province, have been interfered with by the two statutes of 1890, complained of in the said petitions and memorials? No.

4. Does subsection 3 of section 93 of the British North America Act, 1867, apply to Manitoba? Yes.

5. Has his excellency the governor general in council power to make the declarations or remedial orders which are asked for in the said memorials and petitions, assuming the material facts to be as stated therein, or has his excellency the governor general in council any other jurisdiction in the premises? Yes.

6. Did the acts of Manitoba relating to education, passed prior to the session of 1890, confer on or continue to the minority a "right or privilege in relation to education" within the meaning of sub-section 2 of section 22 of the Manitoba Act, or establish a system of separate or dissentient schools "within the meaning of sub-section 3 of section 93 of the British North America Act, 1867, if said section 93 be found to be applicable to Manitoba; and, if so, did the two acts of 1890 complained of, or either of them, affect any right or privilege of the minority in such a manner that an appeal will lie thereunder to the governor general in council? Yes.

Certified true copy.

G. DUVAL,
Reporter, S. C. C.

In the matter of certain Statutes of the province of Manitoba relating to Education.

TASCHEREAU, J.—I doubt our jurisdiction on this reference or consultation. Is section 4 of 54-55 Vict., c. 25, which purports to authorize such a reference to this court for hearing "or" consideration, *intra vires* of parliament? By which section of the British North America Act is parliament empowered to confer on this statutory court any other jurisdiction than that of a court of appeal under section 101 thereof? This court is evidently made, in the matter, a court of first instance, or rather, I should say, an advisory board of the federal executive substituted *pro hac vice*, to the law officers of the crown, and not performing any of the usual functions of a court of appeal, nay, of any court of justice whatever. However, I need not at present further investigate this point. It has not been raised and a similar enactment to the same import has already been acted upon. That is not conclusive, it is true, but our answers to the questions submitted will bind no one, not even those who put them; nay, not even those who give them; no court of justice, not even this court. We give no judgment, we determine nothing, we end no controversy, and, whatever our answers may be, should it be deemed expedient at any time by the Manitoba executive to impugn the constitutionality of any measure that might hereafter be taken by the federal authorities against the provincial legislation, whether such measure is in accordance with or in opposition to the answers to this consultation, the recourse, in the usual way, to the courts of the country, remains open to them. That is, I presume, the consideration and a very legitimate one, I should say, upon which the Manitoba executive acted by refraining to take part in the argument on the reference, a course that I would have not been surprised to see followed by the petitioners, unless indeed they are assured of the interference of the federal authorities, should it eventually result from this reference that constitutionally the power to interfere with the provincial legislation as prayed for exists. For, if, as a matter of policy, in the public interest, no action is to be taken upon the petitioners' application, even if the appeal lies, the futility of these proceedings is apparent.

Assuming, then, that we have jurisdiction, I will try to give as concisely as possible the reasons upon which I have based my answers to the questions submitted.

In the view I take of the application made to his excellency the governor general in council by the catholics of Manitoba, I think it better to introvert the order of the questions put to us, and to answer first the fourth of these questions, that is: whether subsection 3 of section 93 of the British North America Act applies to Manitoba. To that question, the answer, in my opinion, must be in the negative. That section of the British North America Act applies to every one of the provinces of the Dominion, with the exception, however, of Manitoba, for the reason that, for Manitoba in its special charter, the subject is specifically provided for by section 22 thereof. The maxims *lex posterior derogat priori*, and *speciala generalibus derogant*, have both here, it seems to me, their application. If it had been intended to purely and simply extend the operation of that section 93 of the British North America Act to Manitoba, section 22 of its charter would not have been enacted. The course since pursued for British Columbia and Prince Edward Island would have been followed. But here we see a different course pursued, we have to assume that a

difference in the law was intended. I cannot see any other reason for it, and none has been suggested. True it is that the words "or practice" in subsection 1 of section 22 are an addition in the Manitoba charter that the Dominion parliament desired to specially make to the analogous provision of the British North America Act, but that was no reason to word subsection 2 thereof so differently as it is from subsection 3 of section 93 of the British North America Act.

Then, this difference may be easily explained, though its consequences may not have been foreseen. I speak cautiously and mindful that I am not here allowed to controvert or even doubt anything that has been said on the subject by the privy council. It is evident, to my mind, that it was simply because it was assumed by the Dominion parliament that separate or denominational schools had previously been in that region, and were then, at the union, the basis and principle of the educational system, and with the intention of adapting such system to the new province, or rather of continuing it as found to exist, that, in the Union Act of 1870, the words of subsection 3 of section 93 of the British North America Act "where in any province a system of separate or dissentient schools exists by law, at the union, or is thereafter established by the legislature of the province" were stricken out as unnecessary and inapplicable to the new province. And I do not understand that the privy council denies to the petitioners their right to separate schools.

However, the reason of this difference between the constitution of the province and the British North America Act cannot, in my view of the question, bring much assistance in the present investigation; the fact remains whatever may have been the reason for it, that no appeal is given to the minority, in Manitoba, in relation to the rights and privileges conceded to them since the union as distinguished from those in existence at the union. They have no rights but what is left to them by the judgment in the Barrett case; and if I do not misunderstand that judgment, the appeal they now lay claim to is not, as a logical inference, thereby left to them.

And in vain now, to support their appeal, would they urge that the statute so construed is unreasonable, unjust, inconsistent and contrary to the intentions of the law giver; uselessly would they contend that to force them to contribute pecuniarily to the maintenance of the public, non-catholic schools, is to so shakle the exercise of their rights as to render them illusory and fruitless, or that to tax, not only the property of each and every one of them individually but even their school buildings for the support of the public schools, is almost ironical; uselessly would they demonstate the utter impossibility for them to efficaciously provide for the organization, maintenance and management of separate schools and the essential requirements of a separate school system without statutory powers and the necessary legal machinery; ineffectively would they argue that to concede their right to separate schools, and withal deprive them of the means to exercise that right, is virtually to abolish it, or to leave them nothing of it but a barren theory. With all these and kindred considerations, we, here, in answering this consultation, are not concerned. The law has authoritatively been declared to be so, and with its consequences we have nothing to do. *Dura lex, sed lex. Judex non constituter ad leges reformandas. Non licet judicibus de elegibus judicare, sed secundum ipsas.* The Manitoba legislation is constitutional, therefore it has not affected any of the rights or privileges of the minority, therefore the minority has no appeal to the federal authority. The Manitoba legislature had the right and power to pass that legislation, therefore any interference with that legislation by the federal authority would be *ultra vires* and unconstitutional.

By an express provision of the British North America Act of 1871, it must not be lost sight of, the Dominion parliament has not the power to, in any way, alter the Manitoba Union Act of 1870.

For these reasons I would answer negatively the fourth of the questions submitted, and say that, in my opinion, subsection 3 of section 93 of the British North America Act does not apply to Manitoba.

I take up now the first of these questions: does the right of appeal claimed by the petitioners exist under section 22 of the Manitoba Act? and here, again, in my opinion, the answer must be in the negative, for the reason that it is conclusively

determined by the judgment of the privy council that the Manitoba legislation does not prejudicially affect any right or privilege that the catholics had by law or practice at the union, and if their rights and privileges are not affected, there is no appeal. The rights or privileges mentioned in subsection 2 of section 22 are the same rights and privileges that are mentioned in subsection 1, that is to say, those existing at the union, upon which subsection 3 provides for the interference, in certain cases, of his excellency the governor general in council, and it is as to such rights or privileges only that an appeal is given. The appeal given in the other provinces, by section 93 of the British North America Act, as to the rights or privileges conferred on a minority, after the union, is, as I have remarked, left out of the Manitoba constitution. Assuming, however, that the Manitoba constitution is wide enough to cover an appeal by the minority, upon the infringement of any of their rights or privileges created since the union, or assuming that section 93 of the British North America Act, subsection 3, applies to Manitoba, I would be inclined to think that, by the *ratio decidendi* of the privy council, there are no rights or privileges of the catholic minority that are infringed by the Manitoba legislation so as to allow of the exercise of the powers of the governor general in council in the matter, as the Manitoba statutes must now be taken not to prejudicially affect any right or privilege whatever enjoyed by the catholic community. It would seem, no doubt, by the language of both section 93 of the British North America Act and of section 22 of the Manitoba charter, that there may be provincial legislation which, though *intra vires*, yet might affect the rights or privileges of the minority so as to give them the right to appeal to the governor in council. For it cannot be of *ultra vires* legislation that an appeal is given. And the petitioners, properly disclaiming any intention to base their application on the unconstitutionality of the Manitoba statutes, even for infringement of rights conferred upon them since the union, urge that, though the privy council has determined that the legislation in question does not affect their rights existing at the union so as to render it *ultra vires*, yet that it does affect the rights conferred upon them by the provincial legislature since the union so as to give them, though *intra vires*, an appeal to the governor in council. I fail to see, however, how this ingenious distinction, for which I am free to admit both the British North America Act and the Manitoba special charter give room, can help the petitioners. I assume, here, that the petitioners have an appeal upon rights or privileges conferred upon them since the union as contradistinguished from their rights previously in existence. The case is precisely the same as if the present appeal was as to their rights existing at the union. They might argue that though the privy council has held this legislation to have been *intra vires*, yet their right to appeal subsists, and, in fact, exists because it is *intra vires*. But what would be their ground of appeal? Because the legislation affects the rights and privileges they had at the union. And the answer would be one fatal to their appeal as it was to their contentions in the Barrett case, that none of these rights and privileges have been illegally affected. Now, the rights and privileges they lay claim to under the provincial legislation anterior to 1890 are, with the additions rendered necessary by the political organization of the country, to enable them to exercise these rights the same in principle that they had by practice at and before the union, and which were held by the privy council not to be illegally affected by the legislation of 1890.

And I am unable to see how, on the one hand, this legislation might be said to affect those rights so as to support an appeal, and on the other hand not to affect the same rights so as to render it *ultra vires*.

The petitioners, it seems to me, would virtually renew their impeachment of the constitutionality of the Manitoba legislation of 1890 upon another ground than the one taken in the Barrett case, namely, upon the rights conferred upon them since the union, whilst the controversy in the Barrett case was limited to their rights as they existed at the union. But that legislation, as I have said, is irrevocably held to have been *intra vires*, and it is not open to the petitioners to argue the contrary, even upon a new ground. And if it is *intra vires*, it cannot be that it has illegally affected any of the rights or privileges of the catholic minority, though it may be

prejudicial to such rights. And if it has not illegally affected any of those rights or privileges, they have no appeal to the governor general in council.

It has been earnestly urged on the part of the petitioners in their attempt to distinguish the two cases that, in the Barrett case, it was only their liability to assessment for the public schools that was in issue, and consequently that the decision of the privy council, binding though it be, does not preclude them from now taking, on appeal from the provincial legislation of 1890, the ground that this legislation sweeps away the statutory powers conceded to them under the previous statutes and without which their establishment and administration of a separate school system is impracticable. But here, again, it must necessarily be on the ground that their rights and privileges, or some of their rights and privileges, have been prejudicially affected, that they have to rest their case, and from that ground they are irrevocably ousted by the judgment of the privy council, where not only the assessment clauses thereof, more directly in issue, but each and every one of the enactments of the statute impugned were, as I read that judgment, held to have been and to be *intra vires.*

Were it otherwise, and could the question be treated as *res integra*, it might have been possible for the petitioners to establish that they are entitled to the appeal claimed on that ground, namely, that the statutes of 1890, by taking away the rights and privileges of a corporate body vested with the powers essential to the organization and maintenance of a school system that had been granted to them by the previous statutes, are subversive of those rights and privileges and prejudicially affect them.

They might cogently urge in support of that proposition, and might, perhaps, have succeeded to convince me that to take away a right, to cancel a grant, to repeal the grant of a right to revoke a privilege, prejudicially affects that grant, prejudicially, injuriously affects that privilege. They might also perhaps have been able to convince me that the license to own real estate, the authorization to issue debentures, to levy assessments, the powers of a corporation, that had been granted to them, constituted for them rights and privileges.

And to the objection that no appeal lies under section 22 of the Manitoba charter, but upon rights existing at the union, they might perhaps have successfully answered either that section 93 of the British North America Act extends to Manitoba, or, if not, that the legislation of Manitoba in the matter, since the union, prior to 1890, should be construed as declaratory of their right to separate schools, or a legislative admission of it, a legislation required merely to secure to them the means whereby to exercise that right, and that, consequently, their appeal relates back to a right existing at the union, so as to bring it, if necessary, under the terms of section 22 of the Manitoba Union Act.

However, from these reasons the petitioners are now precluded. If any of their rights and privileges had been prejudicially affected, this legislation would be *ultra vires*, and it is settled that it is not *ultra vires.*

And the argument against their contention is very strong that, it being determined that it would have been in the power of the Manitoba legislature to establish in 1871, at the outset of the political organization of the province, the system of schools that they adopted in 1890, by the statutes which the petitioners now complain of, it cannot be that by then adopting and regulating a system of separate schools, though not obliged to do so, they for ever bound the future generations of the province to that policy, so that as long at least as there would be even only one Roman catholic left in the province, the legislature should be, for all time to come, deprived of the power to alter it, though the constitution vests them with the jurisdiction over education in the province. To deny to a legislative body the right to repeal its own laws, it may be said, is so to curtail its powers that an express article of its constitution must be shown to support the proposition; it is not one that can be deductively admitted.

If this legislation of 1890, it may be still further argued against the petitioners' contentions, had been adopted in 1871, it would, it must now be conceded, have been constitutional, and that being so, would the catholic minority then, in 1871, have had

a right of appeal to the governor general in council? Certainly, that is partly the same question in a different form. But it demonstrates, put in that shape, that the petitioners have now no right of appeal. The answer to their claim would then have been: that they had no appeal, because none of their rights and privileges have been prejudicially affected. Now, in my opinion, they have no other rights and privileges, in the construction that these words bear in the Manitoba charter, than the rights and privileges they had in 1870. And, if they would have had no appeal then, on a legislation in 1871 similar to that of 1890, they have none now, if none of their rights and privileges have been prejudicially affected.

I would answer the first question in the negative. This conclusion determines my answers to the other questions submitted to the court, and, consequently, as at present advised, I would answer the six of them as follows:—

To no. 1.—Is the appeal referred to in the said memorials and petitions, and asserted thereby, such an appeal as is admissible by subsection 3 of section 93 of the British North America Act, 1867, or by subsection 2 of section 22 of the Manitoba Act, 33 Victoria (1870), chapter 3, (Canada)? I would answer—No.

To no. 2.—Are the grounds set forth in the petitions and memorials such as may be the subject of appeal under the authority of the subsections above referred to, or either of them? I would answer—No.

To no. 3.—Does the decision of the judicial committee of the privy council in the cases of Barrett *vs.* the City of Winnipeg and Logan *vs.* the City of Winnipeg, dispose of or conclude the application for redress based on the contention that the rights of the Roman catholic minority, which accrued to them after the union under the statutes of the province, have been interfered with by the two statutes of 1890, complained of in the said petitions and memorials? I would answer—Yes.

To no. 4.—Does subsection 3 of section 93 of the British North America Act, 1867, apply to Manitoba? I would answer—No.

To no. 5.—Has his excellency the governor general in council power to make the declarations or remedial orders which are asked for in the said memorials and petitions, assuming the material facts to be as stated therein, or has his excellency the governor general in council any other jurisdiction in the premises? I would answer—No.

To no. 6.—Did the acts of Manitoba relating to education, passed prior to the session of 1890, confer on or continue to the minority a "right or privilege in relation to education" within the meaning of subsection 2 of section 22 of the Manitoba Act, or establish a system of separate or dissentient schools within the meaning of subsection 3 of section 93 of the British North America Act, 1867, if said section 93 be found applicable to Manitoba; and, if so, did the two acts of 1890 complained of, or either of them, affect any right or privilege of the minority in such a manner that an appeal will lie thereunder to the governor general in council?—I would answer—No.

Certified true copy.

G. DUVAL,
Reporter S.C.C.

In the matter of certain Statutes of the province of Manitoba relating to Education.

GWYNNE, J.—The questions submitted in the case stated by the order of his excellency the governor general in council for the opinion of this court, are as follows:—

1. Is the appeal referred to in the memorials and petitions stated in, and made part of, the case and asserted thereby, such an appeal as is admissible by subsection 3 of section 93 of the British North America Act of 1867, or by subsection 2 of section 22 of the Manitoba Act, 33 Victoria (1870), chapter 3, (Canada)?

2. Are the grounds set forth in the petitions and memorials such as may be the subject of appeal under the authority of the subsections above referred to or either of them?

3. Does the decision of the judicial committee of the privy council in the cases of Barrett *vs.* the City of Winnipeg and Logan *vs.* the City of Winnipeg, dispose of

or conclude the application for redress based on the contention that the rights of the Roman catholic minority, which accrued to them after the union under the statutes of the province, have been interfered with by the two statutes of 1890, complained of in the said petitions and memorials?

4. Does subsection 3 of section 93 of the British North America Act, 1867, apply to Manitoba?

5. Has his excellency the governor general in council power to make the declarations or remedial orders which are asked for in the said memorials and petitions, assuming the material facts to be as stated therein, or has his excellency the governor general in council any other jurisdiction in the premises?

6. Did the acts of Manitoba relating to education, passed prior to the session of 1890, confer or continue a "right or privilege in relation to education" within the meaning of subsection 2 of section 22 of the Manitoba act, or establish a system of separate or dissentient schools within the meaning of subsection 3 of section 93 of the British North America Act, 1867, if said section be found to be applicable to Manitoba; and, if so, did the two acts of 1890 complained of, or either of them, affect any right or privilege of the minority in such a manner that an appeal will lie thereunder to the governor general in council?

The memorials and petitions referred to in and made part of the case were presented to his excellency the governor general in council in April, 1890, and in September and October, 1892. That of April, 1890, was signed by his grace the archbishop and 4266 other members of the Roman catholic church.

It is alleged: 1. That "prior to the creation of the province of Manitoba there existed in the territory now constituting that province a number of effective schools for children.

"2. That these schools were denominational schools, some of them being regulated and controlled by the Roman catholic church, and others by various protestant denominations.

"3. That the means necessary for the support of the Roman catholic schools were supplied to some extent by school fees paid by some of the parents of the children who attended the schools, and the rest was paid out of the funds of the church, contributed by its members.

"4. That during the period referred to, Roman catholics had no interest in or control over the schools of the protestant denominations, and the protestant denominations had no interest in or control over the schools of the Roman catholics. There was no public schools in the sense of state schools. The members of the Roman catholic church supported the school of their own church for the benefit of the Roman catholic children, and were not under obligation to, and did not contribute to the support of any other schools.

"5. That in the matter of education, therefore, during the period referred to, Roman catholics were, as a matter of custom and practice, separate from the rest of the community."

The petition then set forth the 22nd section of the Manitoba Act (33 Vict., ch. 3), and proceeded as follows in paragraph 7 and following paragraphs:

"7. During the first session of the legislative assembly of the province of Manitoba, an act was passed relating to education, the effect of which was to continue to the Roman catholics that separate condition with reference to education which they had previous to the erection of the province.

"8. The effect of the statute so far as Roman catholics were concerned was merely to organize the efforts which Roman catholics had previously voluntarily made for the education of their own children. It provided for the continuance of schools under the sole control and management of Roman catholics, and of the education of their children according to the methods by which alone they believe children should be instructed.

"9. Ever since the said legislation and until the last session of the legislative assembly, no attempt was made to encroach upon the rights of the Roman catholics so confirmed to them as above mentioned, but, during said session, statutes were passed, 53 Vict., chaps. 37 and 38, the effect of which was to deprive the Roman

catholics altogether of their separate condition in regard to education, to merge their schools with those of the protestant denominations, and to require all members of the community, whether Roman catholic or protestant, to contribute through taxation to the support of what are therein called public schools, but which are in reality a continuation of the protestant schools.

"10. There is a provision in the said act for the appointment and election of an advisory board and also for the election in each municipality of school trustees; there is also a provision that the said advisory board may prescribe religious exercises for use in schools and that the said school trustees may, if they think fit, direct such religious exercises to be adopted in the schools in their respective districts. No further or other provision is made with reference to religious exercises and there is none with reference to religious training.

"11. Roman catholics regard such schools as unfit for the purposes of education, and the children of Roman catholic parents cannot and will not attend any such schools. Rather than countenance such schools, Roman catholics will resort to the voluntary system in operation previous to the Manitoba Act, and will at their own private expense establish, support and maintain schools in accordance with their principles and their faith, although by so doing they will have in addition thereto to contribute to the expense of the so called public schools.

"12. Your petitioners submit that the said act of the legislative assembly of Manitoba is subversive of the rights of Roman catholics guaranteed and confirmed to them by the statute erecting the province of Manitoba, and prejudicially affects the rights and privileges with respect to Roman catholic schools which Roman catholics had in the province at the time of its union with the dominion of Canada.

"13. That the Roman catholics are in minority in said province.

"14. The Roman catholics of the province of Manitoba therefore appeal from the said act of the legislative assembly of Manitoba."

The petitioners therefore prayed: "1st. That his excellency the governor general in council may entertain the said appeal and may consider the same and may make such provisions and give such directions for the hearing and consideration of the said appeal as might be thought proper.

"2. That it might be declared that such provincial law does prejudicially affect the rights and privileges with regard to denominational schools which Roman catholics had by law or practice in the province at the union.

"3. That such directions might be given and provisions made for the relief of the Roman catholics of the province as to his excellency in council might seem fit."

A report of the minister of justice, dated the 21st March, 1891, upon the two acts of the legislature of the province of Manitoba, 53 Vict., chap. 37 and 38, has also been made part of the case submitted to us, in which reference is made to the cases of Barrett vs. Winnipeg and Logan vs. Winnipeg, then pending in appeal to the supreme court of Canada, and also to the said petition of his grace the archbishop of St. Boniface and others in the following terms: "If the appeal should be successful these acts will be annulled by judicial decision. The Roman catholic minority of Manitoba will receive protection and redress. The acts purporting to be repealed will remain in operation and those whose views have been represented by a majority of the legislature cannot but recognize that the matter has been disposed of with due regard to the constitutional rights of the province.

"If the controversy should result in the decision of the court of queen's bench (of Manitoba) being sustained, the time will come for your excellency to consider the petitions which have been presented by and on behalf of the Roman catholics of Manitoba for redress under subsections 2 and 3 of section 22 of the Manitoba Act."

The petitions of September, 1892, were two, the one of T. A. Bernier, representing himself to be acting president of a body called the national congress, and of eleven others, members of the executive committee of the said body; and the other, dated the 22nd September, 1892, was the petition of his grace the archbishop of St. Boniface.

In the former the petitioners set out at large the above petition of April, 1890, and the report of the minister of justice, from which the above extract is taken and concluded as follows:

"That a recent decision of the judicial committee of the privy council in England having sustained the judgment of the court of queen's bench of Manitoba, upholding the validity of the acts aforesaid, your petitioners most respectfully represent that, as intimated in the said report of the minister of justice, the time has now come for your excellency to consider the petitions which have been presented by and on behalf of the Roman catholics of Manitoba for redress under subsections 2 and 3 of section 22 of the Manitoba Act.

"That your petitioners, notwithstanding such decision of the judicial committee of the privy council in England, still believe that their rights and privileges in relation to education have been prejudicially affected by said acts of the provincial legislature.

"Therefore, your petitioners most respectfully and most earnestly pray that it may please your excellency in council to take into consideration the petitions above referred to and to grant the conclusions of said petitions and the relief and protection sought by the same."

The petition of his grace the archbishop of St. Boniface sets forth the matter, as alleged in the petition signed by him and others, in the petition of April, 1890, and certain extracts from the said report of the minister of justice of March, 1891, including that above extracted, and concluded as follows:—

"8. That the judicial committee of her majesty's privy council has sustained the decision of the court of queen's bench.

"9. That your petitioner believes that the time has now come for your excellency to consider the petitions which have been presented by and on behalf of the Roman catholics of Manitoba for redress, under subsections 2 and 3 of section 22 of the Manitoba Act, as it has become necessary that the federal power should be resorted to for the protection of the Roman catholic minority, and the petition prayed that his excellency the governor general in council might entertain the appeal of the Roman catholics of Manitoba, and might consider the same, and might make such provisions and give such directions for the hearing and consideration of the said appeal as might be thought proper, and that such directions might be given and provisions made for the relief of the Roman catholics of the province of Manitoba as to his excellency in council might seem fit."

These petitions are framed upon the contention and assumption that the facts as stated in the petitions as to the rights and privileges of Roman catholics in Manitoba in relation to education at the time of the creation of the province entitled them to procure by appeal to his excellency in council, under section 22 of the Manitoba Act, the amendment and repeal of the provincial acts 53 Victoria, chaps. 37 and 38, notwithstanding that these acts had been declared by the judgment of the judicial committee of the privy council in England to have been and to be acts quite within the jurisdiction of the legislature of Manitoba to enact.

The petition of October, 1892, is, however, framed with a further contention. It is signed by his grace the archbishop of St. Boniface, T. A. Bernier, as president of the body called the national congress, James E. P. Prendergast, as mayor of St. Boniface, I. Allard, O.M.I., V.G., John S. Ewart, and 137 others. This petition sets out, *verbatim*, the matters alleged in the first twelve paragraphs of the above petition of April, 1890, and it then proceeds: (13.) "Your petitioners further submit that the said acts of the legislative assembly of Manitoba are subversive of the rights and privileges of Roman catholics provided for by the various statutes of the said legislative assembly prior to the passing of the said acts and affect the rights and privileges of the Roman catholic minority of the queen's subjects in the said province in relation to education, so provided for as aforesaid, thereby offending both against the British North America Act and the Manitoba Act," and the petition prayed as follows: "Your petitioners therefore pray, 1. That your excellency the governor general in council may entertain the said appeal and may consider the same and may make such provisions and give such direction for the hearing and consideration of the said appeal as may be thought proper.

"2. That it may be declared that the said Acts 53 Vict., chaps. 37 and 38, do prejudicially affect the rights and privileges with regard to denominational schools which Roman catholics had by law or practice in the province at the union.

"3. That it may be declared that the said last mentioned acts do affect the rights and privileges of the Roman catholic minority of the queen's subjects in relation to education.

"4. That it may be declared that, to your excellency the governor general in council, it seems requisite that the provisions of the statutes in force in the province of Manitoba prior to the passing of the said Acts should be re-enacted, in so far at least as may be necessary to secure to the Roman catholics in the said province the right to build, maintain, equip, manage and conduct these schools in the manner provided for by the said statutes, to secure to them their proportionate share of any grant made out of the public funds for the purposes of education and to relieve such members of the Roman catholic church as contribute to such Roman catholic schools from all payment or contribution to the support of any other schools, or that the said Acts of 1890 should be so modified or amended as to effect such purpose.

"5. And that such further or other declaration or order may be made as to your excellency the governor general in council shall under the circumstances seem proper and that such directions may be given, provisions made and all things done in the premises for the purpose of affording relief to the said Roman catholic minority in the said province as to your excellency in council may seem meet.

"And your petitioners will ever pray, etc."

The pretension of the petitioners therefore appears to be that the 22nd section of the Manitoba Act entitles the petitioners, notwithstanding the judgment of the privy council in England, in Barrett *vs.* Winnipeg, and Logan *vs.* Winnipeg, to invoke and to obtain the interference of his excellency the governor general in council to compel, in effect, a repeal by the provincial legislature of the said acts of 53 Victoria and the re-enactment of the statutes in force in the province in relation to education at the time of the passing of the acts 53 Vict., upon the grounds following:—

1. That the acts of 53 Vict. prejudicially affect the rights and privileges with regard to denominational schools which Roman catholics had enjoyed previous to the erection of the province, and

2. That the said acts, 53 Vict., prejudicially affect the rights and privileges of Roman catholics in the province, provided for by various statutes of the provincial legislature enacted prior to the passing of the acts 53 Vict. Under these circumstances, the case which has been submitted to us has been framed in the shape in which it has been for the purpose of presenting to us purely abstract questions of law.

The learned members of the judicial committee of the privy council who advised her majesty upon the appeals in the cases of Barrett *vs.* Winnipeg and Logan *vs.* Winnipeg, adopting the evidence of the archbishop of St. Boniface as to the rights and privileges in relation to denominational schools enjoyed by Roman catholics before the passing of the Manitoba Act in the territory by that act erected into the province of Manitoba, say in their report: "Now, if the state of things which the archbishop describes as existing before the union had been a system established by law, what would have been the rights and privileges of the Roman catholics with respect to denominational schools? They would have had by law the right to establish schools at their own expense, to maintain their schools by school fees, or voluntary contributions, and to conduct them in accordance with their own religious tenets. Every other religious body which was engaged in a similar work at the time of the union would have had precisely the same right with respect to their denominational schools. Possibly the right, if it had been defined or recognized by positive enactment, might have had attached to it as a necessary or appropriate incident, the right of exemption from and contribution under any circumstances, to a school of a different denomination. But in their lordships' opinion it would be going much too far to hold that the establishment of a national system of education upon a nonsectarian basis is so inconsistent with the right to set up and maintain denominational schools that the two things cannot exist together, or that the existence of one neces-

sarily implies or involves immunity from taxation for the purpose of the other." They then minutely review the provisions of the provincial statutes enacted prior to the passing of the acts of 1890, and of the acts of 1890 themselves, and proceed as follows: "Notwithstanding the public school acts, 1890, Roman catholics and members of every other religious body in Manitoba are free to establish schools throughout the province; they are free to maintain their schools by school fees or voluntary contributions; they are free to conduct their schools according to their own religious tenets, without molestation or interference; no child is compelled to attend a public school, no special advantage other than the advantage of a free education in schools conducted under public management is held out to those who do attend."

To this it may be added that Roman catholics are not excluded from the advisory board created by the acts. They are equally eligible as protestants to such board, and, as members thereof, can, equally with protestants, exert their influence upon the board with regard to religious exercises in the public schools. And, in short, Roman catholics and protestants of every denomination are in every respect placed by the acts in precisely the same position. The judgment of the privy council then proceeds as follows:—

"But, then, it is said that it is impossible for Roman catholics or for members of the church of England (if their views are correctly represented by the bishop of Rupert's Land who has given evidence in Logan's case) to send their children to public schools where the education is not superintended and directed by the authorities of their church, and that therefore Roman catholics and members of the church of England who are taxed for public schools and at the same time feel themselves compelled to support their own schools are in a less favourable position than those who can take advantage of the free education provided by the act of 1890; that may be so, but what right or privilege is violated or prejudicially affected by the law? It is not the law that is in fault. It is owing to religious convictions which everybody must respect and to the teaching of their church that Roman catholics and members of the church of England find themselves unable to partake of advantages which the law offers to all alike. The judgment than summarily rejects the contention that the public schools created by the acts of 1890 are in reality "protestant schools," and concludes in declaring and adjudging that those acts do not prejudicially affect the rights and privileges enjoyed by Roman catholics in the territory now constituting the province of Manitoba, prior to the passing of the Manitoba Act, taking these rights and privileges to have been as represented by the archbishop of St. Boniface, and even assuming them to have been secured or conferred by positive law, and so that they are not enacted in violation of section 22 of the Manitoba Act, but are within the exclusive jurisdiction of the provincial legislature to enact. Their lordships of the privy council, in Barrett *vs.* Winnipeg, and Logan *vs.* Winnipeg, put a construction upon this section 22 which, independently, is to my mind sufficiently apparent, but which I quote as a judicial enunciation of their lordships' opinion; they say:—"Their lordships are convinced that it must have been the intention of the legislature to preserve every legal right or privilege with respect to denominational schools which any class of persons practically enjoyed at the time of the union." The language of the section is, I think, sufficiently clear upon that point, and all its subsections are enacted for the purpose of securing the single object, namely, the preservation of existing rights. The section enacts: "22. In and for the province the said legislature may exclusively make laws in relation to education subject and according to the following provisions:—

"1. Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the province at the union.

"2. An appeal shall lie to the governor general in council from any act or decision of the legislature of the province or of any provincial authority affecting any right or privilege of the protestant or Roman catholic minority of the queen's subjects in relation to education.

"3. In case any such provincial law as from time to time seems to the governor general in council requisite for the due execution of the provisions of this section is

not made, or in case any decision of the governor general in council on any appeal under this section is not duly executed by the proper provincial authority, in that behalf, then and in every such case, and as far only as the circumstances of each case require, the parliament of Canada may make remedial laws for the due execution of the provisions of this section and of any decision of the governor general in council under this section."

If any law should be passed in violation of the qualification contained in the first subsection upon the general jurisdiction conferred by the section to make laws in relation to education; that is to say, in case any act should be passed by the provincial legislature prejudicially affecting any right or privilege with respect to denominational schools which any class of persons had by law or practice in the province at the union, such an act would be *ultra vires* of the provincial legislature to enact and would therefore have no force and as it was to preserve those rights and privileges with regard to denominational schools, whatsoever they were which existed at the time of the union, that the 22nd section was enacted, it is obvious, I think, that it is against such an act of the legislature and against any decision of any provincial authority acting in an administrative capacity prejudicially affecting any such right that the appeal is given by the 2nd subsection. And so, likewise, the remedies provided in the 3rd subsection relate to the same rights and privileges and to the better securing the enjoyment of them. The 2nd and 3rd subsections are designed as means to redress any violation of the rights preserved by the section. To subject any act of the legislature to the appeal provided in the 2nd subsection and to remedies provided in the 3rd sub-section it is obvious that such an act must be passed in violation of the condition subject to which any jurisdiction is conferred upon the provincial legislature to make laws in relation to education, and must therefore be *ultra vires* of the provincial legislature; for the language of the section expressly excludes from the provincial legislature all jurisdiction to pass such an act. Jurisdiction, whatever its extent may be, which the provincial legislature has over education being declared to be exclusive, there can be no appeal to any other authority against an act passed by the legislature with such jurisdiction, and any act of the legislature passed in violation of any of the provisions in section 22, subject to which the jurisdiction of the legislature is restricted, is not within that jurisdiction and is therefore *ultra vires*. The appeal, therefore, which is given by the 2nd subsection must be only concurrent with the right of all persons injuriously affected by such an act to raise in the ordinary courts of justice the question of its constitutionality. If any doubt could be entertained upon this point it is concluded in my opinion by their lordships of the privy council in Barrett *vs.* Winnipeg and Logan *vs.* Winnipeg in the following language: "At the commencement of the argument a doubt was suggested as to the competency of the present appeal in consequence of the so called appeal to the governor in council, provided by the act, but their lordships are satisfied that the provisions of subsections 2 and 3 do not operate to withdraw such a question as that involved in the present case from the jurisdiction of the ordinary 'tribunals of the country.'" If an act of the provincial legislature which is impeached upon the suggestion of its prejudicially affecting such rights and privileges as aforesaid, is not made by the 22nd section of the Manitoba Act *ultra vires* of the provincial legislature, it cannot be open to appeal under subsection 2 of that section. The section does not profess to confer upon the executive of the Dominion or the Dominion parliament any power of interference whatever with any act in relation to education passed by the provincial legislature of Manitoba, which is not open to the objection of prejudicially affecting some right or privilege with respect to denominational schools which some class of persons had by law or practice in the province at the union; all acts of the provincial legislature not open to such objection are declared by the section to be within the exclusive jurisdiction of the provincial legislature; and as the acts of 1890 are declared by their lordships not to be open to such objection, and to have therefore been within the jurisdiction of the provincial legislature to pass, those acts cannot nor can either of them, be open to an appeal under the 2nd subsection of the section. It has been suggested, however, that the rights and privileges, whether conferred or recognized by the acts of the legislature of Manitoba in force prior to

and at the time of the passing of the acts of 1890 and which were thereby repealed were within the protection of the 22nd section and that this was a matter not under consideration in Barrett *vs.* Winnipeg and Logan *vs.* Winnipeg, and that therefore the right of appeal under subsection 2 of the 22nd section against such repeal does exist, notwithstanding the decision of the privy council in Barrett *vs.* Winnipeg and Logan *vs.* Winnipeg. This contention appears to have been first raised expressly in the petition presented in October, 1892, although it is impliedly comprehended in the paragraph of the petition of April, 1890, which is repeated, *verbatim*, in that of October, 1892, wherein the act of the provincial legislature of 1871 is relied upon as having had "the effect to continue to the Roman catholics that separate condition with reference to education which they had enjoyed previous to the erection of the province, made, in so far as Roman catholics were concerned, merely to organize the efforts which the Roman catholics had previously voluntarily made for the continuance of schools under the sole control and management of Roman catholics, and of the education of their children according to the methods by which alone they believe children should be instructed." But this statute of 1871 and all the statutes passed by the legislature of Manitoba in relation to education prior to 1890, were specially brought under the notice of their lordships of the privy council, and were fully considered by them in their judgment, as already pointed out, and if the repeal by the act of 1890 of the acts of the provincial legislature, then in force in relation to education, constituted a violation of the condition contained in section 22, subject to which alone the jurisdiction of the provincial legislature to make laws in relation to education was restricted, it is inconceivable to my mind that their lordships, having all these statutes before them, could have pronounced the acts of 1890 to be within the jurisdiction of the provincial legislature to pass. But, however this may be, there is nothing, in my opinion, in the Manitoba Act which imposed any obligation upon the legislature of Manitoba to pass the acts which are repealed by the acts of 1890, or which placed those acts when passed in any different position from that of all acts of a legislature which constitute the will of the legislature for the time being and only until repealed. And nothing which warrants the contention that the repeal of those acts by the acts of 1890 constituted a violation of the condition in the 22nd section, subject to which the jurisdiction of the legislature was restricted; and nothing, therefore, which gives any appeal against such repeal. Whether or not the third subsection of section 93 of the British North America Act of 1867, assuming that section to apply to the province of Manitoba, would have the effect of restraining the power of the provincial legislature in such a manner as to deprive them of jurisdiction to repeal the said acts, it is unnecessary to inquire, for that section does not, in my opinion, apply to the province of Manitoba, special provision upon the subject of education being made by the 22nd section of the Manitoba Act. For the above reasons, therefore, the questions submitted in the case must, in my opinion, be answered as follows:—The 1st, 2nd, 4th and 5th in the negative, the 3rd in the affirmative, and the 6th, which is a complex question, as follows: The acts of 1890 do not, nor does either of them, affect any right or privilege of a minority in relation to education within the meaning of subsection 2 of section 22 of the Manitoba Act in such manner that an appeal will lie thereunder to the governor general in council. The residue of the question is answered by the answer to question no. 4.

Certified true copy.

G. DUVAL,
Reporter S.C.C.

In the matter of certain Statutes of the province of Manitoba relating to Education.

KING, J.—It may be convenient, first, to regard the constitutional provisions respecting education as they affect the original provinces of the confederation. By section 93 of the British North America Act, it is provided that in and for each province the legislature may exclusively make laws in relation to education, subject and according to the provisions of four subsections.

The first subsection provided that nothing in any such law should prejudicially affect any right or privilege with respect to denominational schools which any class of persons had, by law, in the province at the union.

The second subsection extended to the dissentient schools of the queen's protestant and Roman catholic subjects in Quebec all the powers, privileges and duties which were at the union conferred and imposed by law in Upper Canada (Ontario) on the separate schools and school trustees of the queen's Roman catholic subjects there.

The third subsection gave to the governor general in council the right on appeal to decide whether or not an act or decision of any provincial authority affects any right or privilege of the protestant or Roman catholic minority in relation to education enjoyed by them under a system of separate or dissentient schools in the province, whether such system of separate or dissentient schools shall have existed, by law, at the union or shall have been thereafter established by the legislature of the province.

The fourth subsection provided that if, upon the appeal, the governor general in council shall decide that the educational right or privilege of the protestant or Roman catholic minority has been so affected, then, if the provincial legislature shall not pass such laws as from time to time seem to the governor general in council requisite for the due execution of the provisions of the section, or if the proper provincial authority shall not duly execute the decision of the governor general in council on the appeal, then in every such case, but only so far as the circumstances of each case require, the parliament of Canada may make remedial laws for the due execution of the provisions of this section and of any decision of the governor general in council under the section. In other words: If the requisite remedy, either by act of the legislature or act or decision of the proper provincial authority in that behalf is not applied, then concurrent legislative authority, to the requisite extent, is given to the Dominion parliament, and to this extent the legislative authority of the provincial legislature ceases to be exclusive.

The terms "separate" and "dissentient" schools, used in the above subsections, were derived from the school systems of Upper and Lower Canada. At the union, the two larger confederating provinces, Upper Canada (Ontario) and Lower Canada (Quebec), had each a system of separate or dissentient schools, the Canadian method of dealing with the question of religion (as between protestants and Roman catholics) in the public school system.

In Upper Canada the Roman catholics were in the minority and in Lower Canada the protestants were in a still smaller minority. In Upper Canada there was a non-denominational public system, with a right in the Roman catholics to a separate denominational system. In Lower Canada the general public system was markedly Roman catholic with a right to the protestant minority to schools of their own. In Upper Canada the minority schools were called "separate" schools; in Lower Canada "dissentient" schools. It was because the powers and privileges of the Upper Canada minority in relation to their schools were greater than those of the Lower Canada minority, that by the terms of union these were agreed to be assimilated by adopting for Quebec the more enlarged liberties of the Upper Canada law; and this was given effect to by subsection 2 of section 93, already cited.

In the case of the two other of the original confederating provinces, Nova Scotia and New Brunswick, there was not, in either, a system of separate or dissentient schools.

The bounds of the Dominion have been since enlarged. In 1870, by the admission of the North-west Territory and Rupert's Land; in 1871, by the admission of British Columbia, and in 1873, by the admission of Prince Edward Island. In the case of British Columbia and Prince Edward Island (these being established and independent provinces) the terms of union were agreed upon by the governments and legislatures of Canada and the provinces respectively. In each case the above recited provisions of the British North America Act respecting education were adopted and made applicable without change. In neither of these newly added provinces was there a system of separate or dissentient schools.

With regard to the North-west Territories and Rupert's Land, there was no established government and legislature representing the people, and after the acquisition of the North-west Territories and Rupert's Land the parliament of Canada, after listening to representations of representative bodies of the people, passed an act for the creation and establishment of the new province of Manitoba out of and over a portion of the newly acquired territory, and it is with regard to this Act, (33 Vict. c. 3) that the present questions arise.

By section 2 it is declared that "The provisions of the British North America Act shall, except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to or only to affect one or more, but not the whole, of the provinces now composing the Dominion, and except so far as the same may be varied by this act, be applicable to the province of Manitoba in the same way and to the like extent as they apply to the several provinces of Canada, and as if the province of Manitoba had been one of the provinces originally united by the said act."

The act then deals specially with a number of matters, as for instance the constitution of the executive and legislative authority, the use of both the English and French languages in legislative and judicial proceedings, financial arrangements and territorial revenues, etc., and by section 22 makes the following provision respecting education:—

"22. In and for the province the said legislature may exclusively make laws in relation to educational subjects, and according to the following provisions:

"(1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice at the union.

"(2.) An appeal shall lie to the governor general in council from any act or decision of the legislature of the province, or of any provincial authority affecting any right or privilege of the protestant or Roman catholic minority of the queen's subjects in relation to education.

"(3.) In case any such provincial law as from time to time seems to the governor general in council requisite for the due execution of the provisions of this section is not made, or in case any decision of the governor general in council on any appeal under this section is not duly executed by the proper provincial authority in that behalf, then, and in every such case, and as far only as the circumstances of each case require, the parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the governor general in council under this section."

Subsection 1 of section 22 of the Manitoba Act differs from subsection 1 of section 93 of the British North America Act of 1867, in the addition of the words "or practice" after the words "which any class of persons have by law."

In Winnipeg *vs.* Barrett, the judicial committee of the privy council held that the Manitoba Education Act of 1890 did not prejudicially affect any right or privilege or any benefit or advantage in the nature of a right or privilege with respect to denominational schools which the Roman catholics practically enjoyed at the time of the establishment of the province.

The second subsection of section 93 (British North America Act) has, of course, no counterpart in any of the subsections of section 22 (Manitoba Act) because subsection 2, section 93 (British North America Act) is a clause specially applicable to and affecting only the province of Quebec.

The third subsection of section 93 (British North America Act) and the second subsection of section 22 (Manitoba Act) deal with the like subject, viz, the right of the religious minority to appeal to the governor general in council in case of their educational rights or privileges being affected; but here again there are differences.

One difference is that whereas by the clause in the British North America Act the appeal lies from an "act or decision of any provincial authority" affecting any right or privilege of the protestant or Roman catholic minority in relation to education; in the Manitoba Act the appeal lies from "any act or decision of the legislature of the province" as well as from that of any provincial authority. This

was either an extension of the right of appeal or the getting rid of an ambiguity according as the words "any provincial authority" as used in the British North America Act did not or did extend to cover "acts of the provincial legislature."

The addition in the first subsection of the Manitoba Act of the words "or practice" and the addition in subsection 2 of the words "of the legislature of the province," would (so far as the context of these words is concerned) seem to show an intention on the part of parliament to extend the constitutional protection accorded to minorities by the British North America Act, or, at all events, to make no abatement therein.

Then there is another difference between the language of the 3rd subsection of the British North America Act and that of the 2nd subsection of the Manitoba Act. The former begins as follows: "Where in any province a system of separate and dissentient schools exists by law at the union or is thereafter established by the legislature of the province, an appeal shall lie," etc., while in the Manitoba Act the introductory part is omitted and the clause begins with the words "an appeal shall lie," etc., the two clauses being thereafter identical with the exception that in the Manitoba Act (as already mentioned) the appeal in terms extends to complaints against the effect of acts of the legislature as well as of acts or decisions of any provincial authority.

After this reference to points of distinction, I cite subsection 2 of the Manitoba Act again in full for sake of clearness.

"An appeal shall lie to the governor general in council from any act or decision of the legislature of the province or of any provincial authority affecting any right or privilege of the protestant or Roman catholic minority of the queen's subjects in relation to education."

On the one side it is contended that in order to give the appeal the rights or privileges of the religious minority need to have been acquired and to have existed prior to and at the time of the passage of the act. On the other side it is contended that it is sufficient if the rights and privileges exist at the time of their alleged violation irrespective of the time when they were acquired.

In the argument before the judicial committee of Winnipeg *vs.* Barrett, a shorthand report of which was submitted to parliament last session (Sessional Paper, No. 33*a*), Sir Horace Davey, council for the city of Winnipeg, argued that subsection 2 does not relate to anything but what is *ultra vires* under subsection 1. He says: (p. 43) "I cannot for myself frame the proposition which would lead to the inference that subsection 2 was intended to deal with cases which were *intra vires*, and I beg leave to observe that it would be contrary to the whole scope and spirit of this legislation to provide for parliament intervening, not where the provincial parliament has acted beyond its powers—that I could conceive—that I could follow—there would be nothing inconsistent with the general course of legislation in that—but to allow the Dominion parliament to intervene, not to correct mistakes where the provincial legislature had gone wrong and exceeded their powers."——In an interuption at this point by their lordships, Lord MacNaughton asks: "Supposing some rights were created after the union, and then legislation had taken those rights away?" This question is not directly answered, but afterwards (p. 44) Sir Horace thus continues: It all comes back to the same point, that the protestant and catholic minority have a right to come with a grievance to the governor general. What is that grievance? Why, that they are deprived of some right or privilege which they ought to have and are entitled to enjoy. If they are not entitled by law to enjoy it they are not deprived of anything, and it would be an extraordinary system of legislation, having regard to the nature of this act, to say that the Dominion parliament has in certain cases to sit by way of a court of appeal from the provincial parliament, not to correct mistakes where the provincial parliament has erroneously legislated on matters not within its jurisdiction, but on matters of policy. * * * If that be the effect to be given to these subsections, I venture to submit to your lordships that it will have the rather startling consequences, and it will for the first time make the legislature of the Dominion parliament a court of appeal or give them an appeal from the exercise of the discretion of the provincial parliament, or, in other words,

it will place the provincial parliament in the position that it will be liable to have its decisions overruled by the Dominion parliament, and therefore in a position of inferiority."

I have quoted at great length, because of the strong presentation by eminent counsel of that view, and to show that the attention of their lordships was powerfully drawn to the provisions of subsection 2. The full report shows that all the subsections of the two sections of the two acts were exhaustively discussed.

In the judgment, their lordships say that:—"Subsections 1, 2 and 3 of section 22 of the Manitoba Act, 1870, differ but slightly from the corresponding sections of section 93 of the British North America Act, 1867. The only important difference is that in the Manitoba Act, in subsection 1, the words 'by law' are followed by the words 'or practice' which do not occur in the corresponding passage in the British North America Act, 1867."

There would be a marked and very considerable difference between the corresponding clauses if in the one case rights and privileges of the religious minority were recognized as subjects of protection whenever acquired, while in the other case they were not recognized as subjects of protection unless they existed at the time of the passing of the constitutional act.

Not wanting to put undue stress upon this, let us look at the clauses for ourselves. In subsection 1 (Manitoba Act) there is an express limitation as to time: the rights and privileges in denominational schools that are saved are such as existed (by law or practice) at the union. But in subsection 2 nothing is said about time at all; and the natural conclusion upon a reading of the two clauses together is that with regard to the rights and privileges referred to in the latter clause, the time of their origin is immaterial. Such also is the ordinary and natural meaning of subsection 2 regarded by itself. Read by itself, it extends to cover rights and privileges existent at the time of the act or thing complained of. The existence of the right, and not the time of its creation, is the operative and material fact. And this agrees with the corresponding provisions of the British North America Act, where subsection 1 refers to rights, etc., acquired before or at union; while subsection 3 in terms covers rights, etc., acquired at any time. In any other view there was clearly no necessity to add the words "or any act of the legislature" in the remedial provision of the Manitoba Act, for such act would be wholly null and void under subsection 1.

There is, however, an undeniable objection to treating as an appealable thing the repeal by a legislature of an act passed by itself. Ordinarily all rights and privileges given by act of parliament are to be enjoyed *sub modo* and are subject to the implied right of the same legislature to repeal or alter if it chooses to do so. But the fundamental law may make it otherwise. An illustration of this is afforded by the constitution of the United States, which prohibits the states (but not congress) from passing any law impairing the obligation of contract; and this has been held to prevent state legislatures from repealing or materially altering their own acts conferring private rights when such rights have been accepted. It does not extend to acts relating to government as, for instance, to public officers, municipal incorporations, etc., but it extends to private and other corporations, educational or otherwise, and also to acts exempting incorporated bodies, by special act, from rates or taxes. These are irrepealable, and the constitutional provision has been found onerous.

It is certainly anomalous under our system and theory of parliamentary powers that a legislature may not repeal or alter in any way an act passed by itself.

Still, weighty as this consideration is, I can give no other reasonable interpretation to the act in question than that, under the constitution of Manitoba, as under the constitution of the Dominion, the exercise by the provincial legislature of its undoubted powers in a way so as to give rights and privileges by law to the minority in respect of education lets in the Dominion parliament to concurrent legislative authority for the purpose of preserving and continuing such rights and privileges, if it sees fit to do so. By the British North America Act it was not clear whether the words "act or decision of any provincial authority" covered the case of an act of the provincial legislature, or was confined to administrative acts, but in the Manitoba Act the words explicitly extend to an act of that legislature.

Any ambiguity in subsection 2 of the Manitoba Act is, I conceive, to be resolved in the light of the corresponding provisions of the British North America Act. As the provisions of the British North America Act are to be applicable, unless varied, I think it reasonable that ambiguous provisions in the special act should be construed in conformity with the general act. Passing, however, from it as a matter of construction, it does not seem reasonable that parliament, in forming, in 1870, a constitution for Manitoba, intended to disregard entirely constitutional limitations such as were three years before established as binding upon the original members of the confederation. On the contrary, by the addition of the words "or by practice" in 1st subsection, and of the words "or any act of the legislature" in 2nd subsection, and by the provision of section 23, providing for the use of the French and English languages in the courts and legislature, there is manifested a greater tenderness for racial and denominational differences. Further, unless subsection 2 has the meaning suggested, the entire series of limitations imposed by subsections 1, 2 and 3 are entirely inoperative, for the judicial committee has in effect declared that no right or privilege in respect of denominational schools existed prior to the union, either by law or practice, and therefore there was nothing on which subsection 1 could practically operate, and as there was clearly no system of separate or dissentient schools established in Manitoba by law prior to the union, the provision of subsections 2 and 3 are inoperative if the rights and privileges in relation to education are to be limited to rights and privileges before the union.

I also think that where there appears an ambiguity we might well resort to the facts before the government and parliament when they were engaged in settling a constitution for Manitoba.

There is no doubt that this construction limits the powers of the legislature and restrains the exercise of its discretion, but the same thing may be said of the effect of an appeal against "any act or decision of any provincial authority" in Nova Scotia or New Brunswick, in case either of such provinces were to adopt a system of separate schools. The legislature might not choose to pass the remedial legislation necessary to execute the decision of the governor general in council, and the Dominion parliament could then exercise its concurrent power of legislation in effect overriding the legislative determination of the provincial legislature. The provision may be weak, one-sided, as giving finality to a chance legislative vote in favour of separate schools, inconsistent with a proper autonomy, and without elements of permanence, but, if it is in the constitutional system, it must receive recognition in a court of law.

Assuming, then, that clause 2 covers rights and privileges whensoever acquired, the next question is as to the meaning of the words "rights and privileges of the protestant or Roman catholic minority in relation to education?" Here, again, I think we are to go to clause 3 of section 93 British North America Act. I think that the reference is to minority rights under a system of separate schools, and that it is essential that the complaining minority should have had rights or privileges under a system of separate or dissentient schools existing by law at the union or thereafter established by the legislature of the province. The generality of the words under clause 2 of the Manitoba Act is to be explained by clause 3, section 93, British North America Act, and to have the same meaning as the corresponding words in this act.

The two remaining questions then, are: Was a system of separate or dissentient schools established in Manitoba prior to the passage of the Manitoba education act of 1890? And, have any rights or privileges of the Roman catholic minority in relation thereto been prejudicially affected?

One of the learned judges of the queen's bench of Manitoba thus succinctly summarizes the school legislation of Manitoba in force at the time of the passing of the act of 1890.

"Under the school acts in force in the province previous to the passing of the Public School Act of 1890, there were two distinct sets of public or common schools, the one set protestant and the other Roman catholic. The board of education which had the general management of the public schools was divided into two sections,

one composed of the protestant members and one of the Roman catholic members, and each section had its own superintendent. The school districts were designated protestant or Roman catholic, as the case might be. The protestant schools were under the immediate control of trustees elected by the protestant ratepayers of the district and the catholic schools in the same way were under the control of trustees elected by the Roman catholic ratepayers; and it was provided that the ratepayers of a district should pay the assessments that were required to supplement the legislative grant to the schools of their own denomination and that in no case should protestant ratepayers be obliged to pay for a Roman catholic school, or a catholic ratepayer for a protestant school."

I would only add that the assessments were to be ordered by the ratepayers (catholics or protestants, as the case might be) of the school district, and that the trustees were empowered in many cases to collect the rates themselves instead of making use of the public collectors. The trustees were empowered to employ teachers exclusively who should hold certificates from the section of the board of education of their own faith. By the act of 1871, the board of education was composed equally of protestants and Roman catholics. But by the act of 1881, the proportion was twelve protestants to nine Roman catholics.

Now, the system of education established by the act of 1881 was not in terms and *eo nomine* a system of separate or dissentient schools, and if the constitutional provision requires that they should be such in order to come within the act, then the minority did not have the requisite rights and privileges in respect of education. As to this, I have had doubts arising from the opinion that, where rights and privileges have no other foundation than the legislative authority whose subsequent act in effecting them is impeached, the restraint upon the general grant of legislative authority should be applied only where the case is brought clearly within the limitation. At the same time, we are to give fair and reasonable construction to a remedial provision of the constitution and are to regard the substance of the thing. Now, the Roman catholics were in the minority in 1881, and are still, and a system of schools was established, by law, under which they had the right to their own schools—catholic in name and fact—under the control of trustees elected by themselves, taught by teachers of their own faith, and supported (in part) by an assessment ordered by themselves upon the persons and property of Roman catholics, and imposed, levied and collected as a portion of the public rates, the persons and property liable to such rate being at the same time exempt from contribution to the schools of the majority, *i.e.*, the protestant schools. This, although not such in name, seems to me to have been essentially a system of separate or dissentient schools of the same general type as the separate school system of Ontario, and giving, therefore, to the minority rights and privileges, in relation to education, in the sense of subsection 2, section 22 (Manitoba Act) and subsection 3, section 93 (British North America Act).

It is true that the schools of the majority were protestant schools, and that the majority had the same kind of right as the minority, but I do not think that this renders the minority schools any the less essentially separate schools of the Roman catholics. In Quebec the majority schools are distinctly denominational.

Then, was the right and privilege of the Roman catholic minority in this system of separate schools prejudicially affected by the act of 1890; and, if so, to what extent?

In the judgment of the judicial committee in the city of Winnipeg *vs.* Barrett, speaking of the right there claimed on behalf of the Roman catholics that the act of 1890 had prejudicially affected the rights and privileges which they had by practice at the time of the union, their lordships say:

"Now, if the state of things which the archbishop describes as existing before the union had been established by law, what would have been the rights and privileges of the Roman catholics with respect to denominational schools? They would have had by law the right to establish schools at their own expense, to maintain their schools by school fees or voluntary contributions, and to conduct them in accordance with their own religious tenets. Every other religious body which was

engaged in a similar work at the time of the union would have had precisely the same right with respect to their denominational schools. Possibly this right, if it had been defined or recognized by positive enactment, might have had attached to it, as a necessary or appropriate incident, the right of exemption from any contribution under any circumstances to schools of a different denomination. But, in their lordships' opinion, it would be going much too far to hold that the establishment of a national system of education upon an unsectarian basis is so inconsistent with the right to set up and maintain denominational schools that the two things cannot exist together, or that the existence of one necessarily implies or involves immunity from taxation for the purpose of the other."

The rights and privileges of the denominational minority under the act of 1881 and amending acts, were different from the assumed rights in denominational schools which the same class had by practice at the time of the union. It could not be said to be merely "the right to establish schools at their own expense, to maintain their schools by school fees or voluntary contributions and to conduct them in accordance with their own religious tenents"; it was a right, as Roman catholics, by law to establish schools and to maintain them through the exercise by them of the state power of taxation, by the imposition, levying and collecting of rates upon the persons and property of all Roman catholics, such persons and property being at the same time exempted from liability to be rated for the support of the public schools of the majority, then denominated and being protestant schools. By the act of 1890 the protestant schools are abolished equally with the Roman catholic schools, and a system of public schools set up which is neither protestant nor Roman catholic, but unsectarian. The question then is whether the language of their lordships is applicable to this state of things, and whether or not it can be said (changing their lordships' language to suit the facts) that the establishment of the national system of education upon an unsectarian basis is so inconsistent with the right to set up and maintain by the aid of public taxation upon the denominational minority a system of denominational schools that the two cannot co-exist; or that the existence of the system of denominational minority schools (supposing it still in existence) necessarily implies or involves immunity from taxation for the purpose of the other. It rather seems to me that no reasonable system of legislation could consistently seek to embrace these two things, viz.: 1st, the support of a system of separate denominational schools for the minority, maintainable through compulsory rating of the persons and property of the minority; and, 2nd, the support of a general system of unsectarian schools, through the compulsory rating of all persons and property, both of the majority and minority. The effect of such a scheme would be to impose a double rate upon a part of the community for educational purposes. The logical result of this view would be that by the establishment of a general non-sectarian system (as well as by the abrogation of the separate school system) the rights and privileges as previously given by law to the denominational minority in respect of education were necessarily affected. Of course the minority could attain equality by giving up their schools, but the present inquiry at this point is whether a right acquired by law to maintain a system of separate schools has been affected by an act which takes away the legal organization and status of such schools, and their means of maintenance by the repeal of the law giving these things, and which subjects the persons and property of the denominational minority to an educational rate for general nonsectarian schools, instead of leaving them subjected to an educational rate for the support of the separate and denominational schools. It is true that by the act of 1881 and amending acts, the exemption was an exemption from contribution to the protestant schools, and the schools under the act of 1890 are not protestant schools; but the substantial thing involved in the exemption under the acts of 1881 and amending acts was, that the ratepayer to the support of the catholic schools should not have to pay rates for support of the schools established by the rest of the community, but should have their educational rates appropriated solely to the support of their own schools. This was an educational right or privilege accorded to the denominational minority, or in other words, a right or privilege accorded to them in relation to education under a system of separate schools established by law,

which the legislature, if possessing absolute or exclusive authority to legislate on the subject of education, without limitation or restraint, might very well withdraw, abrogate or materially alter; but which, under the constitutional limitations of the Manitoba Act can be done only subject to the rights of the minority, to seek the intervention of the Dominion parliament, through the exercise of the concurrent legislative authority that thereupon become vested in such parliament upon resort being first had to the tribunal of the governor general in council. Although there are points of difference between this case and what would have been the case if the prior legislation of Manitoba had established a system of separate schools, following precisely the Ontario system, I cannot regard the difference as other than nominal, and I treat this case as though the act of 1881 and amending acts distinctly established a system of separate schools giving for the general public a system of undenominational public schools, and to the catholic minority the right to a system of separate schools. In such case, I do not see how the passing of such an act as the act of 1890 could fail to be said (by abolishing the separate schools) to affect the rights and privileges of the minority in respect of education. With some change of phraseology, and some change of method, I think that what has been done in the case before us is essentially the same. If the clauses of the Manitoba Act are to have any meaning at all they must apply to save rights and privileges which have no other foundation originally than a statute of the Manitoba legislature. The constitutional provision protects the separate educational status given by an act of the legislature to the denominational minority. The view that the effect of this is to restrain the proper exercise by the legislature of its power to alter its own legislation is met by the opposite view that there is no improper restraint if it is a constitutional provision, and that in establishing a system of separate schools, the legislature may well have borne in mind the possibly irrepealable character of its legislation in thereby creating rights and privileges in relation to education. I, therefore, answer the questions of the case as follows:

1. Is the appeal referred to in the said memorials and petitions, and asserted thereby, such an appeal as is admissible by subsection 3 of section 93 of the British North America Act, 1867, or by subsection 2 of section 22 of the Manitoba Act, 33 Victoria (1870), chapter 3, (Canada)? Yes.

2. Are the grounds set forth in the petitions and memorials such as may be the subject of appeal under the authority of the subsections above referred to, or either of them? Yes.

3. Does the decision of the judicial committee of the privy council in the cases of Barrett *vs.* the City of Winnipeg, and Logan *vs.* the City of Winnipeg, dispose of or conclude the application for redress based on the contention that the rights of the Roman catholic minority which accrued to them after the union under the statutes of the province have been interfered with by the two statutes of 1890, complained of in the said petitions and memorials? No.

4. Does subsection 3 of section 93 of the British North America Act, 1867, apply to Manitoba? Yes, to the extent as explained by the above reasons for my opinion.

5. Has his excellency the governor general in council power to make the declarations or remedial orders which are asked for in the said memorials and petitions, assuming the material facts to be as stated therein, or has his excellency the governor general in council any other jurisdiction in the premises? Yes.

6. Did the acts of Manitoba relating to education, passed prior to the session of 1890, confer on or continue to the minority a "right or privilege in relation to education" within the meaning of subsection 2 of section 22 of the Manitoba Act, or establish a system of separate or dissentient schools within the meaning of subsection 3 of section 93 of the British North America Act, 1867, if said section 93 be found applicable to Manitoba; and, if so, did the two acts of 1890 complained of, or either of them, affect any right or privilege of the minority in such a manner that an appeal will lie thereunder to the governor general in council? Yes.

Certified true copy.

G. DUVAL,
Reporter S. C. C.